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CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2038

Introduced by Assembly Member Lieber

(Principal coauthor: Senator Alquist)

**(Coauthors: Assembly Members Beall, Eng, Evans, Galgiani,
Hancock, Karnette, Ma, Portantino, Ruskin, and Swanson)**

(Coauthor: Senator Steinberg)

February 15, 2008

~~An act to amend Section 6175.3 of the Business and Professions Code, to amend Section 52.7 of the Civil Code, to amend Sections 2017.310 and 2017.320 of the Code of Civil Procedure, to amend Sections 767 and 1380 of the Evidence Code, to amend Sections 6240, 6250, and 6251 of the Family Code, to amend Section 4056 of the Financial Code, to amend Sections 997.2, 6103.2, 12528, 12528.1, 19996.19, and 70617 of the Government Code, to amend Sections 1337.9, 1418.91, 1569.885, 1569.889, and 1736.5 of the Health and Safety Code, to amend Sections 148.5, 237, 273.6, 288, 422.77, 422.85, 422.86, 653e, 801.6, 803, 836, 939.21, 1048, 1170.11, 1336, 1337, 1341, 1347.5, 1377, 11160, 11161.2, 11163.6, 11165.7, 11165.9, 11165.14, 11166, 11166.05, 11174.32, 11174.34, 11174.35, 11174.5, 11174.6, 11174.7, 11174.8, 11174.9, 13515, 13519.64, 13800, 13823.4,~~

13823.5, 13823.7, 13823.9, 13823.13, 13823.15, 13823.16, 13823.93, 13835.2, 13835.4, 13835.10, 13836, 13836.1, 13837, 14200, 14201, 14203, 14208, 14209, and 14213 of, to amend and renumber Section 243.25 of, to amend the heading of Article 2.7 (commencing with Section 11174.4) of Chapter 2 of Title 1 of Part 4 of, to add Chapter 13 (commencing with Section 368) to Title 9 of Part 1 of, and to repeal Section 368 of, the Penal Code, to amend Sections 259, 4128, and 21350 of the Probate Code, to amend Sections 779.1, 10010.1, 12823.1, and 16482.1 of the Public Utilities Code, to amend Sections 4427, 4427.5, 4514, 4900, 4901, 4903, 5328, 5328.5, 10850, 11325.9, 12305.81, 14100.2, 15600, 15601, 15610.05, 15610.06, 15610.07, 15610.10, 15610.13, 15610.17, 15610.19, 15610.30, 15610.37, 15610.39, 15610.40, 15610.43, 15610.45, 15610.53, 15610.55, 15610.57, 15610.63, 15630, 15630.1, 15631, 15633, 15633.5, 15634, 15636, 15640, 15650, 15653, 15654, 15655, 15655.5, 15656, 15657.03, 15657.1, 15657.3, 15658, 15659, 15670, 15700, 15701, 15701.05, 15750, 15751, 15755, 15762, 15763, 15766, 16501, 17001.9, 17401 of, to amend and renumber Sections 15800, 15801, 15802, 15803, and 15804 of, to amend and renumber the headings of Chapter 11 (commencing with Section 15600) of, Chapter 12 (commencing with Section 15700) of, Chapter 13 (commencing with Section 15750), and Chapter 14 (commencing with Section 15800) of, Part 3 of Division 9 of, to add Sections 15610.08, 15610.66, and 15767 to, to add Part 3.2 (commencing with Section 15590) to Division 9 of, and to repeal Section 9726 of, the Welfare and Institutions Code, relating to persons with disabilities. *An act to amend Section 1569.889 of the Health and Safety Code, to amend Sections 237, 368, 803, 1048, 11163.6, 11174.35, 11174.5, 11174.7, 13519.64, 13823.7, 13823.9, 13823.13, 13823.16, 13835.10, 13836, 13836.1, 13837, 14203, and 14213 of, to amend the heading of Article 2.7 (commencing with Section 11174.4) of Chapter 2 of Title 1 of Part 4 of, to add Sections 368.1, 368.5, and 13519.65 to, and to add a heading as Chapter 13 (commencing with Section 368) to Title 9 of Part 1 of, the Penal Code, and to amend Sections 4427, 4427.5, 15610.19, 15630, 15640, 15650, 15655, and 15763 of, to add Section 15767 to, and to add Chapter 10.5 (commencing with Section 15590) to Part 3 of Division 9 of, the Welfare and Institutions Code, relating to people with disabilities.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2038, as amended, Lieber. Persons with disabilities: victims of crime.

Existing law regulates the investigation and prosecution of crimes against dependent adults, which is defined to include persons who are between 18 and 64 years of age, inclusive, and who have a physical or mental limitation which restricts his or her ability, or substantially restricts his or her ability, to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished, or significantly diminished, because of age. Under existing law, the phrase also includes any person between 18 and 64 years of age, inclusive, who is admitted as an inpatient to certain 24-hour health facilities.

This bill would state that it is the intent of the Legislature to strongly encourage law enforcement agencies and district attorneys to develop and adopt certain training, investigation, and prosecution practices relevant to victims with disabilities, as specified. This bill would require the Department of Justice to send a bulletin to law enforcement agencies and district attorneys describing that intent, as well as the laws relating to the protection of persons with disabilities, as specified.

Existing law authorizes the creation of Domestic Violence Death Review Teams, Child Death Review Teams, and Elder Death Review Teams, as specified.

This bill would state that information related to deaths of children with disabilities and people with disabilities killed as a result of domestic violence is included in procedures relating to Child Death Review Teams and Domestic Violence Death Review Teams, as specified. This bill would also include within the authority of an Elder Death Review Team, the review of deaths involving dependent adults, as specified.

Existing law regulates the procedures and practices of long-term care ombudsman programs, adult protective services agencies, as well as certain state agencies, relative to the protection, investigation, and reporting of suspected crimes involving persons with disabilities, as specified.

This bill would reorganize forms for residential care facilities relative to those organizations, as specified. This bill would require the State Department of Developmental Services to either immediately report a case of suspected abuse or neglect of a person held in custody as

developmentally disabled to local law enforcement, or ascertain the facts, as specified. This bill would provide that the Office of Emergency Services is the lead agency responsible for coordinating state agencies involved in protecting elders and dependent adults, as specified. This bill would require the Office of Emergency Services to convene a working group on crimes against elders, dependent adults, and people with disabilities, as specified.

Existing law requires certain persons to report known or suspected cases of abuse against elders and dependent adults, as specified.

This bill would reorganize certain of those reporting procedures, as specified.

~~(1) Existing law uses the phrase “dependent adult” to refer to a person who is between the ages of 18 and 64 years, and who has a physical or mental limitation which restricts his or her ability, or substantially restricts his or her ability, to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished, or significantly diminished, because of age. Under existing law, the phrase also includes any person between 18 and 64 years of age who is admitted as an inpatient to certain 24-hour health facilities.~~

~~This bill would replace the phrase “dependent adult” with the phrases “adult inpatient” and “adult with a disability” to refer to persons described in this way, except that the term “adult with a substantial disability” would be used to refer to a person whose disabilities pose a substantial restriction or whose abilities have significantly diminished because of age. This bill would also make conforming technical changes in related provisions of law.~~

~~(2) Existing law makes it either a misdemeanor or a felony for persons to commit specified crimes against elders and dependent adults.~~

~~This bill would reorganize and renumber those provisions of law and make conforming technical changes in related provisions. This bill would also state that a law enforcement agency may direct an adult protective services agency or local long-term care ombudsman program to withdraw from or take a supportive role in the investigation of a crime against an elder, adult inpatient, or an adult with a disability until the criminal phase of the investigation is complete, as specified.~~

~~Existing law grants jurisdiction over the investigation of reports of abuse in long-term care facilities to long-term care ombudsman programs, to local law enforcement agencies for reports of physical and financial abuse, and concurrent jurisdiction to adult protective services~~

~~agencies and local law enforcement for reports of abuse outside of long-term care facilities.~~

~~This bill would grant concurrent jurisdiction for investigating reports of abuse in long-term care facilities to local law enforcement agencies and local long-term care ombudsman programs. This bill would also state that law enforcement agencies retain ultimate responsibility for investigations of abuse or neglect that occur either in or out of a long-term care facility, despite concurrent jurisdiction with any other agency.~~

~~Existing law establishes the Commission on Peace Officer Standards and Training (POST) and requires the commission to create courses of training for peace officers.~~

~~This bill would state that it is the intent of the Legislature to strongly encourage all local law enforcement agencies to provide its peace officers with a telecourse produced by POST relating to crimes against homeless persons. This bill would also state that it is the intent of the Legislature to strongly encourage all law enforcement agencies and all district attorneys to designate separate units for the investigation and prosecution of crimes against people with disabilities, as specified.~~

~~This bill would also require the Department of Justice to create a specified bulletin relating to crimes against persons with disabilities and send that bulletin to every law enforcement agency and district attorney. The bulletin would include sections strongly encouraging all local law enforcement agencies and district attorneys to provide the specified training and designate special units related to crimes against persons with disabilities, as specified.~~

~~(3) Existing law defines a “hate crime” as a criminal act committed, in whole or in part, because the victim has one or more specified characteristics, including a disability. Existing law requires the sentencing court to issue a protective order for a victim of a hate crime and authorizes a court to impose specified conditions of probation, if granted.~~

~~This bill would specify that the sentencing court could order a person convicted of a hate crime to complete community service as part of his or her probation and would require the sentencing court to order the defendant to pay the victim for damages caused, as specified. This bill would provide for sentencing a defendant for any crime against a victim with a disability under the provisions for sentencing for hate crimes, including the requirement that the court issue a restraining order~~

protecting the victim. Because this bill would increase the punishment for an existing crime, it would impose a state-mandated local program.

~~(4) Existing law authorizes a peace officer to make a warrantless arrest in an assault or battery case involving domestic violence if the officer has probable cause to believe the person to be arrested committed the assault or battery and arrests the person as soon as that probable cause arises.~~

~~This bill would specify that this provision applies to victims of domestic violence with disabilities.~~

~~(5) Existing law imposes duties on specified persons to report known or suspected crimes and cases of neglect against certain types of victims, including children, elders, and dependent adults. Existing law also makes it a crime for a mandated reporter to fail to report a known or reasonably suspected instance of abuse and a continuing criminal offense to intentionally conceal his or her failure to report, as specified.~~

~~This bill would clarify that any reporting or investigation duty for crimes against children, also includes crimes against children with disabilities. This bill would also change, in some circumstances, the person or entity to whom the required reports are to be made. This bill would also reorganize and renumber the provisions making it a crime for mandated reporters to fail to report as specified.~~

~~(6) Existing law authorizes the establishment of interagency elder death review teams, as specified.~~

~~This bill would expand that authorization to include elders, adult inpatients, and adults with disabilities death review teams, as specified.~~

~~(7) Existing law creates a Family Violence Prevention Program.~~

~~This bill would require that program to include information on family violence against victims with disabilities.~~

~~Existing law establishes a protocol for the examination and treatment of victims of sexual assault, attempted sexual assault, and child molestation.~~

~~This bill would specify that the sexual assault of victims with disabilities is included in that protocol.~~

~~Existing law requires development of a course of training for qualified health care professionals relating to the examination and treatment of victims of sexual assault.~~

~~This bill would require that training to include examination and treatment of child victims and victims with disabilities.~~

~~Existing law requires the Office of Emergency Services to conduct statewide training workshops on domestic violence for local centers,~~

law enforcement, and other service providers. Existing law requires that office to develop and disseminate statewide information materials concerning domestic violence, as specified.

This bill would require those workshops to include a component on domestic violence against victims with disabilities. The bill would clarify that a female intimate partner with disabilities is covered in the definition of “domestic violence” as a victim for those purposes. The bill also would include victims with disabilities among those who are given priority for financial and technical assistance through the Comprehensive Statewide Domestic Violence Program. This bill would also require the Office of Emergency Services to convene a first meeting of a working group on crimes against elders, people with disabilities, and inpatients, as specified.

Existing law states the intent of the Legislature that membership on the Office of Emergency Services Domestic Violence Advisory Council reflect the ethnic, racial, cultural, and geographic diversity of this state.

This bill would include people with disabilities in that statement of intent.

(8) Under existing law, when the State Department of Developmental Services has reason to believe that a developmentally disabled person in its custody is wrongfully deprived of his or her liberty, is cruelly or negligently treated, or is otherwise provided inadequate medical care or supervision, as specified, the department may ascertain the facts through a formal investigation using the powers otherwise conferred upon a superior court referee.

This bill would authorize the department to use those powers when it has reason to believe the person is the victim of any crime and would give the department the option of either ascertaining the facts of the crime through the formal investigation procedure or reporting the case to the appropriate law enforcement agency. However, if the department undertakes its own investigation and determines a crime has been committed against the developmentally disabled person, the department would be required to report the crime to the appropriate law enforcement agency.

(9) Under existing law, elders and dependent adults are provided certain aid and medical assistance as part of state and local public social services.

This bill would renumber and reorganize those provisions.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 *SECTION 1. This act shall be known and may be cited as the*
2 *Crime Victims with Disabilities Act of 2008.*

3 *SEC. 2. The Legislature finds and declares as follows:*

4 *(a) A large body of research indicates that people with mental*
5 *and physical disabilities in California and throughout the United*
6 *States are victimized by violent crime and major property crime*
7 *at much higher rates than the general population.*

8 *(b) At least 13,500 American adults with disabilities are victims*
9 *of criminal violence every day—562 every hour. At least 410*
10 *children with disabilities are victimized every day—17 every hour.*

11 *(c) People with disabilities who are abused experience both*
12 *more prolonged and more severe abuse on the average than other*
13 *crime victims. Evidence suggests that the harmful effects may be*
14 *more serious and chronic for victims with disabilities.*

15 *(d) California and national research has found particularly*
16 *disturbing indications, including:*

17 *(1) Californians with developmental disabilities are victimized*
18 *4 to 10 times more frequently than the general population, and*
19 *they are at a higher risk of revictimization.*

20 *(2) The rate of victimization of Californians with severe and*
21 *persistent mental illness is 1,970 percent that of the general*
22 *population. The rate of victimization for those diagnosed with both*
23 *mental illness and substance abuse is 6,300 percent of that of the*
24 *general population.*

25 *(3) Of Californians with development disabilities, about 8 in*
26 *10 women and 4 in 10 men have been sexually abused. About 4 in*
27 *10 women and 2 in 10 men have been sexually abused at least 10*
28 *times.*

1 (4) *More than 8,000 California children with disabilities were*
2 *reported by Child Protective Services to be victims of maltreatment*
3 *in 2005—about one per hour.*

4 (5) *Mentally ill prison and jail inmates are a significantly higher*
5 *risk of violence, particularly sexual abuse, than other inmates.*

6 (6) *People often become homeless because of disabilities, and*
7 *those who were able when they were housed typically become*
8 *disabled due to their homelessness. Homeless Californians are*
9 *much more likely than the housed population to become crime*
10 *victims — more than 6 out of 10 are victimized every year, 2 out*
11 *of 10 at least five times in the year. Their disabilities increase the*
12 *likelihood of victimization still further. The lifetime risk of*
13 *victimization for seriously mentally ill, episodically homeless*
14 *women is 97 percent.*

15 (7) *People with disabilities, both those who live at home and*
16 *those who live in institutions, are often victims of domestic and*
17 *family violence and other crimes by caregivers.*

18 (8) *Elders and children with disabilities are particularly at risk*
19 *of becoming victims of abuse, neglect, and other major crimes.*

20 (e) *Research indicates that criminals select people with*
21 *disabilities as their victims because of two major categories of*
22 *motivations, as follows:*

23 (1) *Hostility toward those who arouse guilt, fear of those whose*
24 *visible traits are perceived as disturbing to others, a perception*
25 *that people with disabilities are inferior and therefore “deserving*
26 *victims,” and resentment of those who require and increasingly*
27 *demand alternative physical and social accommodations.*

28 (2) *Belief that people with disabilities are especially vulnerable,*
29 *a belief that is often well founded.*

30 (f) *California has made serious and continuing efforts to protect*
31 *people with disabilities from crime and to punish those who commit*
32 *these crimes.*

33 (1) *The Legislature has required training of peace officers*
34 *concerning various types of disability, and it has made other,*
35 *related training optional.*

36 (2) *The Commission on Peace Officer Standards and Training*
37 *and the Department of Justice have carried out legislative*
38 *mandates to develop the training materials and have gone beyond*
39 *the mandates to offer law enforcement agencies additional training*
40 *opportunities.*

1 (3) *The California District Attorneys Association and the*
2 *Department of Justice have produced training materials for*
3 *prosecutors.*

4 (4) *The Legislature has made disability a protected*
5 *characteristic under the hate crime laws.*

6 (5) *The Legislature created the Crime Victims with Disabilities*
7 *Initiative specifically to address the problem of unequal protection*
8 *and services for these victims. The initiative funded specialists in*
9 *six counties, trained law enforcement and social services staff*
10 *throughout the state, and conducted a public education campaign.*

11 (6) *The Department of Justice conducted the “It’s a Crime”*
12 *advertising campaign focusing on abuse and neglect of elders and*
13 *people with disabilities.*

14 (7) *The Legislature and the State Department of Development*
15 *Services have focused efforts on crimes against residents of the*
16 *department’s facilities that serve Californians with the most acute*
17 *developmental disabilities.*

18 (8) *The Office of Emergency Services, through the Child and*
19 *Victims Justice Branch, funds the Think Tank on Victims of Crime*
20 *and Abuse with Disabilities program through a contract with the*
21 *State Council on Developmental Disabilities.*

22 (9) *The Legislature has taken steps to make the court system*
23 *more accessible to victims with disabilities.*

24 (10) *Regional centers and private groups have worked diligently*
25 *to protect people with disabilities from crimes.*

26 (g) *Despite these efforts, the state has fallen shamefully short*
27 *of meeting its responsibility to provide Californians with*
28 *disabilities with equal protection from crime and its effects.*

29 (h) *Research indicates that the current system is generally*
30 *unsuccessful in prosecuting perpetrators or even reporting most*
31 *crimes against victims with disabilities. Evaluations have identified*
32 *failings, including:*

33 (1) *The criminal justice system often fails to pursue cases*
34 *because its personnel think the victims’ disabilities make them*
35 *noncredible.*

36 (2) *The system fails to investigate cases because of jurisdictional*
37 *issues.*

38 (3) *The system drops cases because of mistakes during the*
39 *investigation process.*

40 (4) *There are often limited supports for victims with disabilities.*

1 (5) *The law does not require agencies providing Supportive*
2 *Living Services in clients' homes to do even minimal background*
3 *checks on caregivers or other employees.*

4 (6) *Law enforcement agencies almost universally fail to*
5 *recognize and report disability-bias hate crimes.*

6 (i) *The result of the many failings is an unintentional but*
7 *systematic denial of basic human rights to Californians with*
8 *disabilities.*

9 (j) *It is the intent of the Legislature to clarify and enforce*
10 *existing laws and make California the national leader in humane*
11 *treatment of people with disabilities.*

12 (k) *People with disabilities are especially vulnerable to crime*
13 *and become victims at rates many times higher than the general*
14 *population. A large majority of these crimes are never reported*
15 *to law enforcement. In addition, the law previously did not make*
16 *it clear that abuse is a crime. As a result, many law enforcement*
17 *officers, prosecutors, and other citizens are unaware of this*
18 *invisible epidemic.*

19 (l) *Crimes against victims with disabilities occur in the*
20 *jurisdiction of every law enforcement agency and every district*
21 *attorney's office. Every law enforcement officer encounters persons*
22 *with disabilities who may be particularly vulnerable to crime and*
23 *who have a disproportionately high likelihood of becoming victims.*

24 (m) *Persons with disabilities in specific population groups,*
25 *including all of the following, often become victims of serious*
26 *crime, frequently including domestic violence and sexual assault:*

27 (1) *Children.*

28 (2) *Elders.*

29 (3) *Homeless persons.*

30 (4) *Inmates of prisons, jails, and other incarceration facilities.*

31 (5) *Residents of public and private treatment and care facilities*
32 *of all kinds.*

33 (n) *Many crimes against victims with disabilities are motivated*
34 *in whole or in part by preexisting negative attitudes toward the*
35 *victims' disabilities, including hostility to persons who arouse*
36 *guilt, fear of or revulsion to persons whose visible traits are*
37 *disturbing to others, a perception that persons with disabilities*
38 *are inferior or deserving of victimization, belief that persons with*
39 *particular disabilities are weak and therefore easy targets, and*
40 *resentment of those who need and increasingly demand alternative*

1 *physical and social accommodations. Law enforcement agencies*
2 *must investigate these crimes as hate crimes and report them to*
3 *the Department of Justice as Section 13023 requires.*

4 *(o) Preventing, recognizing, and responding to crimes against*
5 *victims with disabilities often require special training, which all*
6 *officers should receive. Investigating and successfully prosecuting*
7 *these crimes often require more advanced training, which some*
8 *officers in every agency should receive.*

9 *SEC. 3. It is the intent of the Legislature to strongly encourage*
10 *each law enforcement agency, including those with jurisdictions*
11 *covering treatment or local incarceration facilities, to do each of*
12 *the following:*

13 *(a) Designate a unit, or an appropriate number of officers, to*
14 *do each of the following:*

15 *(1) Investigate crimes against victims with disabilities.*

16 *(2) Train, assist, and consult with other officers in cases*
17 *involving victims, suspects, or witnesses with disabilities.*

18 *(3) Act as liaison to members of the disability community to*
19 *train them concerning crime prevention and response, obtain their*
20 *cooperation with law enforcement, and convey their concerns to*
21 *the law enforcement agency.*

22 *(b) Provide advanced officer training concerning crimes against*
23 *victims with disabilities to each officer designated under*
24 *subdivision (a).*

25 *SEC. 4. It is the intent of the Legislature to strongly encourage*
26 *each law enforcement agency, in consultation with the district*
27 *attorney or attorney general, to adopt a general order or other*
28 *formal policy on prevention of and response to crimes against*
29 *people with disabilities and dealing effectively and humanely with*
30 *victims, witnesses, and suspects with disabilities. The policy should*
31 *include, but not be limited to, both of the following:*

32 *(a) Laws including those listed in subdivision (d).*

33 *(b) Methods to establish probable cause in these cases, including*
34 *by crediting statements by victims and witnesses with disabilities.*

35 *SEC. 5. It is the intent of the Legislature to strongly encourage*
36 *each district attorney to do each of the following:*

37 *(a) Designate investigators to take each of the actions described*
38 *in Section 368.33, including support of local law enforcement*
39 *agencies that lack the resources to take those actions.*

1 (b) Place a priority on prosecution of crimes against people
2 with disabilities in order to provide them with equal protection.
3 This should include consideration of both of the following:

4 (1) Establishing a vertical prosecution unit for crimes against
5 victims with disabilities or against both victims with disabilities
6 and other vulnerable victims.

7 (2) Providing incentives for deputies to prosecute cases of
8 crimes against victims with disabilities that may have
9 below-average conviction rates.

10 SEC. 6. Section 1569.889 of the Health and Safety Code is
11 amended to read:

12 1569.889. (a) The personal rights form made available by the
13 department's Community Care Licensing Division to residential
14 care facilities for the elderly shall include a statement regarding
15 procedures for reporting known or suspected elder and dependent
16 adult abuse *and neglect*, including the toll-free telephone number
17 of the State Long-Term Care Ombudsman's CRISISline and a
18 ~~blank-space~~ *blank spaces* for the telephone-number numbers of
19 the nearest approved organization for long-term care ombudsperson
20 activities, and, except as provided in subdivision (b), of the local
21 law enforcement agency. A residential care facility for the elderly
22 shall insert in the form's ~~blank-space~~ *spaces* the telephone-number
23 numbers of the local law enforcement agency and, if the law
24 requires it, the nearest approved organization for long-term care
25 ombudsperson activities.

26 (b) The department's Community Care Licensing Division shall
27 adopt or amend any regulation and revise any document or policy
28 as necessary to implement this section.

29 SEC. 7. Section 237 of the Penal Code is amended to read:

30 237. (a) False imprisonment is punishable by a fine not
31 exceeding one thousand dollars (\$1,000), or by imprisonment in
32 the county jail for not more than one year, or by both that fine and
33 imprisonment. If the false imprisonment be effected by violence,
34 menace, fraud, or deceit, it shall be punishable by imprisonment
35 in the state prison.

36 (b) False imprisonment of an elder or dependent adult by use
37 of violence, menace, fraud, or deceit shall be punishable as
38 described in subdivision ~~(f)~~ (e) of Section 368.

1 *SEC. 8. The heading of Chapter 13 (commencing with Section*
2 *368) is added to Title 9 of Part 1 of the Penal Code, immediately*
3 *preceding Section 368, to read:*

4
5 *CHAPTER 13. CRIMES AGAINST ELDERS AND DEPENDENT*
6 *ADULTS*
7

8 *SEC. 9. Section 368 of the Penal Code is amended to read:*

9 ~~368. (a) The Legislature finds and declares that crimes against~~
10 ~~elders and dependent adults are deserving of special consideration~~
11 ~~and protection, not unlike the special protections provided for~~
12 ~~minor children, because elders and dependent adults may be~~
13 ~~confused, on various medications, mentally or physically impaired,~~
14 ~~or incompetent, and therefore less able to protect themselves, to~~
15 ~~understand or report criminal conduct, or to testify in court~~
16 ~~proceedings on their own behalf.~~

17 ~~(b)~~

18 ~~(a) (1) Any person who knows or reasonably should know that~~
19 ~~a person is an elder or dependent adult and who, under~~
20 ~~circumstances or conditions likely to produce great bodily harm~~
21 ~~or death, willfully causes or permits any elder or dependent adult~~
22 ~~to suffer, or inflicts thereon unjustifiable physical pain or mental~~
23 ~~suffering, or having the care or custody of any elder or dependent~~
24 ~~adult, willfully causes or permits the person or health of the elder~~
25 ~~or dependent adult to be injured, or willfully causes or permits the~~
26 ~~elder or dependent adult to be placed in a situation in which his or~~
27 ~~her person or health is endangered, is punishable by imprisonment~~
28 ~~in a county jail not exceeding one year, or by a fine not to exceed~~
29 ~~six thousand dollars (\$6,000), or by both that fine and~~
30 ~~imprisonment, or by imprisonment in the state prison for two,~~
31 ~~three, or four years.~~

32 ~~(2) If in the commission of an offense described in paragraph~~
33 ~~(1), the victim suffers great bodily injury, as defined in Section~~
34 ~~12022.7, the defendant shall receive an additional term in the state~~
35 ~~prison as follows:~~

36 ~~(A) Three years if the victim is under 70 years of age.~~

37 ~~(B) Five years if the victim is 70 years of age or older.~~

38 ~~(3) If in the commission of an offense described in paragraph~~
39 ~~(1), the defendant proximately causes the death of the victim, the~~

1 defendant shall receive an additional term in the state prison as
2 follows:

3 (A) Five years if the victim is under 70 years of age.

4 (B) Seven years if the victim is 70 years of age or older.

5 ~~(e)~~

6 (b) Any person who knows or reasonably should know that a
7 person is an elder or dependent adult and who, under circumstances
8 or conditions other than those likely to produce great bodily harm
9 or death, willfully causes or permits any elder or dependent adult
10 to suffer, or inflicts thereon unjustifiable physical pain or mental
11 suffering, or having the care or custody of any elder or dependent
12 adult, willfully causes or permits the person or health of the elder
13 or dependent adult to be injured or willfully causes or permits the
14 elder or dependent adult to be placed in a situation in which his or
15 her person or health may be endangered, is guilty of a
16 misdemeanor. A second or subsequent violation of this subdivision
17 is punishable by a fine not to exceed two thousand dollars (\$2,000),
18 or by imprisonment in a county jail not to exceed one year, or by
19 both that fine and imprisonment.

20 ~~(d)~~

21 (c) Any person who is not a caretaker who violates any provision
22 of law proscribing theft, embezzlement, forgery, or fraud, or who
23 violates Section 530.5 proscribing identity theft, with respect to
24 the property or personal identifying information of an elder or a
25 dependent adult, and who knows or reasonably should know that
26 the victim is an elder or a dependent adult, is punishable by
27 imprisonment in a county jail not exceeding one year, or in the
28 state prison for two, three, or four years, when the moneys, labor,
29 goods, services, or real or personal property taken or obtained is
30 of a value exceeding four hundred dollars (\$400); and by a fine
31 not exceeding one thousand dollars (\$1,000), by imprisonment in
32 a county jail not exceeding one year, or by both that fine and
33 imprisonment, when the moneys, labor, goods, services, or real or
34 personal property taken or obtained is of a value not exceeding
35 four hundred dollars (\$400).

36 ~~(e)~~

37 (d) Any caretaker of an elder or a dependent adult who violates
38 any provision of law proscribing theft, embezzlement, forgery, or
39 fraud, or who violates Section 530.5 proscribing identity theft,
40 with respect to the property or personal identifying information of

1 that elder or dependent adult, is punishable by imprisonment in a
2 county jail not exceeding one year, or in the state prison for two,
3 three, or four years when the moneys, labor, goods, services, or
4 real or personal property taken or obtained is of a value exceeding
5 four hundred dollars (\$400), and by a fine not exceeding one
6 thousand dollars (\$1,000), by imprisonment in a county jail not
7 exceeding one year, or by both that fine and imprisonment, when
8 the moneys, labor, goods, services, or real or personal property
9 taken or obtained is of a value not exceeding four hundred dollars
10 (\$400).

11 ~~(f)~~

12 (e) Any person who commits the false imprisonment of an elder
13 or a dependent adult by the use of violence, menace, fraud, or
14 deceit is punishable by imprisonment in the state prison for two,
15 three, or four years.

16 ~~(g)~~

17 (f) As used in this section, “elder” means any person who is 65
18 years of age or older.

19 ~~(h)~~

20 (g) As used in this section, “dependent adult” means any person
21 who is between the ages of 18 and 64, who has physical or mental
22 limitations which restrict his or her ability to carry out normal
23 activities or to protect his or her rights, including, but not limited
24 to, persons who have physical or developmental disabilities or
25 whose physical or mental abilities have diminished because of
26 age. “Dependent adult” includes any person between the ages of
27 18 and 64 who is admitted as an inpatient to a 24-hour health
28 facility, as defined in Sections 1250, 1250.2, and 1250.3 of the
29 Health and Safety Code.

30 ~~(i)~~

31 (h) As used in this section, “caretaker” means any person who
32 has the care, custody, or control of, or who stands in a position of
33 trust with, an elder or a dependent adult.

34 ~~(j)~~

35 (i) Nothing in this section shall preclude prosecution under both
36 this section and Section 187 or 12022.7 or any other provision of
37 law. However, a person shall not receive an additional term of
38 imprisonment under both paragraphs (2) and (3) of subdivision
39 (b) for any single offense, nor shall a person receive an additional

1 term of imprisonment under both Section 12022.7 and paragraph
2 (2) or (3) of subdivision (b) for any single offense.

3 ~~(k)~~

4 (j) In any case in which a person is convicted of violating these
5 provisions, the court may require him or her to receive appropriate
6 counseling as a condition of probation. Any defendant ordered to
7 be placed in a counseling program shall be responsible for paying
8 the expense of his or her participation in the counseling program
9 as determined by the court. The court shall take into consideration
10 the ability of the defendant to pay, and no defendant shall be denied
11 probation because of his or her inability to pay.

12 *SEC. 10. Section 368.1 is added to the Penal Code, to read:*

13 *368.1. (a) Local law enforcement agencies, and state law*
14 *enforcement agencies with jurisdiction, have concurrent*
15 *jurisdiction for investigation of elder and dependent adult abuse.*
16 *Adult protective services agencies and the local long-term care*
17 *ombudsman programs also have jurisdiction to investigate elder*
18 *and dependent adult abuse within their statutory authority.*

19 *(b) The Legislature strongly encourages law enforcement*
20 *agencies to cooperate with adult protective services agencies,*
21 *local long-term care ombudsman programs, the protection and*
22 *advocacy agency that the Governor designates pursuant to*
23 *provisions of the Welfare and Institutions Code, and all other*
24 *agencies carrying out their statutory responsibilities or otherwise*
25 *serving victims. However, law enforcement agencies shall retain*
26 *ultimate responsibility for criminal investigations.*

27 *(c) In any case in which a law enforcement agency with*
28 *jurisdiction determines that there is reasonable suspicion of abuse*
29 *or other crime against an elder or dependent adult, the law*
30 *enforcement agency may direct the adult protective services agency*
31 *or local long-term care ombudsman program to withdraw from*
32 *the investigation until the criminal phase of the investigation is*
33 *complete, or the law enforcement agency may direct the adult*
34 *protective services agency or local long-term care ombudsman*
35 *program to take a supportive role in the investigation until the*
36 *investigation is complete. Nothing in this subdivision prevents an*
37 *adult protective services agency or local long-term case*
38 *ombudsman program from providing services to the victim or*
39 *engaging in any other activity that does not interfere with or*
40 *compromise a criminal investigation.*

1 *SEC. 11. Section 368.5 is added to the Penal Code, to read:*

2 *368.5. By February 1, 2009, the Department of Justice shall*
3 *electronically send a bulletin to the executive of each state and*
4 *local law enforcement agency and to each district attorney. The*
5 *content of the bulletin shall include, but not be limited to, each of*
6 *the following sections, entitled and described as follows:*

7 *(a) "New Law: Importance and Urgency." This section shall*
8 *include a statement of the importance and urgency that the law*
9 *now places on arresting and convicting criminals who commit*
10 *crimes against victims with disabilities and on assisting their*
11 *victims, as demonstrated by enactment of the Crime Victims with*
12 *Disabilities Act (Assembly Bill 2038) of 2008.*

13 *(b) "An Invisible Epidemic." This section shall quote the*
14 *findings of Section 2 of the Crime Victims with Disabilities Act of*
15 *2008.*

16 *(c) "Requirements and Recommendations." This section shall*
17 *include the following requirements and recommendations for law*
18 *enforcement agencies and district attorneys:*

19 *(1) The requirement that state law enforcement agencies provide*
20 *the telecourse "Crime Victims with Disabilities" to their officers*
21 *when it is updated, pursuant to subdivision (a) of Section 13519.65.*

22 *(2) The strong encouragement that local law enforcement*
23 *agencies provide the telecourse "Crime Victims with Disabilities"*
24 *to their officers when it is updated, and that they provide this*
25 *training in conjunction with people with disabilities and local*
26 *agencies and organizations that serve and advocate for people*
27 *with disabilities and invite people with disabilities and those local*
28 *organizations to attend the training sessions and discuss the*
29 *problems with the agency's officers, pursuant to subdivision (b)*
30 *of Section 13519.65.*

31 *(3) The requirement that every city police officer or deputy*
32 *sheriff at a supervisory level and below who is assigned field or*
33 *investigative duties shall complete an elder and dependent adult*
34 *abuse and neglect training course certified by the Commission on*
35 *Peace Officer Standards and Training within 18 months of*
36 *assignment to field duties, pursuant to Section 13515.*

37 *(4) The requirement that law enforcement agencies cross-report*
38 *abuse and neglect of elders and dependent adults to adult*
39 *protective services agencies, local long-term care ombudsman*

1 *programs, and state agencies, pursuant to Section 15650 of the*
2 *Welfare and Institutions Code.*

3 *(5) The requirement that local law enforcement agencies provide*
4 *the telecourse “Law Enforcement Response to Homelessness*
5 *Update” to their officers. The law also strongly encourages local*
6 *law enforcement agencies to provide this training in conjunction*
7 *with homeless and formerly homeless persons, local agencies, and*
8 *organizations that serve homeless and formerly homeless people,*
9 *including homeless persons with disabilities, and invite those local*
10 *organizations to attend the training sessions and discuss the*
11 *problem of crime against homeless victims and law enforcement*
12 *response to homelessness with the agency’s officers, pursuant to*
13 *paragraph (2) of subdivision (b) of Section 13519.64.*

14 *(6) The strong encouragement that each law enforcement agency*
15 *designate a unit, or an appropriate number of officers, to do all*
16 *of the following:*

17 *(A) Investigate crimes against victims with disabilities.*

18 *(B) Train, assist, and consult with other officers in cases*
19 *involving victims, suspects, or witnesses with disabilities.*

20 *(C) Act as liaison to the disability community.*

21 *(D) Receive relevant advanced officer training, pursuant to*
22 *Section 368.1.*

23 *(7) The strong encouragement that law enforcement agencies*
24 *enter into memoranda of understanding with adult protective*
25 *services agencies, local long-term care ombudsman programs,*
26 *and others to guide their exercise of their concurrent jurisdictions*
27 *under this section and carry out their mandated reporter*
28 *requirements and their cross-reporting requirements and other*
29 *responsibilities, pursuant to subdivision (g) of Section 15650 of*
30 *the Welfare and Institutions Code.*

31 *(8) The strong encouragement that each law enforcement*
32 *agency, in consultation with the district attorney or the attorney*
33 *general, adopt a general order or other formal policy on prevention*
34 *of and response to crimes against people with disabilities and*
35 *dealing effectively and humanely with victims, witnesses, and*
36 *suspects with disabilities. The law policy should include, but not*
37 *be limited to, relevant laws, including those listed in subdivision*
38 *(d).*

39 *(9) The strong encouragement that each local law enforcement*
40 *agency adopt a general order or other formal policy on prevention*

1 and response to crimes against homeless persons, including
2 homeless persons with disabilities and homeless youth, and on
3 dealing effectively and humanely with homeless persons, based
4 on the telecourse “Law Enforcement Response to Homelessness
5 Update” and on the 2002 California Department of Justice report
6 “Special Report to the Legislature on Senate Resolution 18: Crimes
7 Against Homeless Persons,” as provided in subdivision (c) of
8 Section 13519.64.

9 (10) The strong encouragement that each district attorney do
10 both of the following:

11 (A) Designate investigators to carry out the same functions as
12 the designated officers in paragraph (5), including support of local
13 law enforcement agencies that lack the resources to take those
14 actions.

15 (B) Place a priority on prosecuting crimes against people with
16 disabilities, including the consideration of establishing a vertical
17 prosecution unit and providing incentives for deputies to prosecute
18 cases of crimes against victims with disabilities that may have a
19 below-average conviction rate, as described in Section 368.34.

20 (d) “Training.” This section shall strongly encourage the law
21 enforcement executives to provide training for their agencies’
22 supervisors and officers on the following provisions of law:

23 (1) The extent of the problem, as described in Section 2 of the
24 Crime Victims with Disabilities Act of 2008.

25 (2) The new, clear statutory declaration that abuse and other
26 crimes against elders and dependent adults, violations of protective
27 orders, and mandated reporters’ failure to report, are crimes over
28 which local law enforcement agencies and state law enforcement
29 agencies with jurisdiction have concurrent jurisdiction. Law
30 enforcement agencies have ultimate responsibility for criminal
31 investigations, as provided in Section 15650 of the Welfare and
32 Institutions Code.

33 (3) Law enforcement tools including, but not limited to,
34 emergency protective orders that officers can obtain by phone at
35 any hour of the day or night, as described in Part 3 (commencing
36 with Section 6240) of Division 10 of the Family Code.

37 (4) The expansion of the mandated reporter requirements to
38 include the reporting to local law enforcement agencies of all
39 suspected abuse and neglect in long-term care facilities, as
40 provided in Section 15630 of the Welfare and Institutions Code.

1 (5) *The requirements placed on employees of local law*
2 *enforcement agencies as mandated reporters of abuse and neglect*
3 *of elders and dependent adults, as provided in Section 15630 of*
4 *the Welfare and Institutions Code.*

5 (6) *The inclusion of disability as a protected characteristic in*
6 *the hate crime laws, found in Chapter 1 (commencing with Section*
7 *422.66) of Title 11.6 of Part 1.*

8 (e) *The bulletin also shall list relevant training materials*
9 *produced or certified by the Commission on Peace Officer*
10 *Standards and Training, including materials produced pursuant*
11 *to Sections 13515, 13515.25, 13519.2, 13519.4, 13519.6, and*
12 *13519.64, and by the Bureau of Medi-Cal Fraud and Elder Abuse.*

13 SEC. 12. *Section 803 of the Penal Code is amended to read:*

14 803. (a) Except as provided in this section, a limitation of time
15 prescribed in this chapter is not tolled or extended for any reason.

16 (b) No time during which prosecution of the same person for
17 the same conduct is pending in a court of this state is a part of a
18 limitation of time prescribed in this chapter.

19 (c) A limitation of time prescribed in this chapter does not
20 commence to run until the discovery of an offense described in
21 this subdivision. This subdivision applies to an offense punishable
22 by imprisonment in the state prison, a material element of which
23 is fraud or breach of a fiduciary obligation, the commission of the
24 crimes of theft or embezzlement upon an elder or dependent adult,
25 or the basis of which is misconduct in office by a public officer,
26 employee, or appointee, including, but not limited to, the following
27 offenses:

28 (1) Grand theft of any type, forgery, falsification of public
29 records, or acceptance of a bribe by a public official or a public
30 employee.

31 (2) A violation of Section 72, 118, 118a, 132, 134, or 186.10.

32 (3) A violation of Section 25540, of any type, or Section 25541
33 of the Corporations Code.

34 (4) A violation of Section 1090 or 27443 of the Government
35 Code.

36 (5) Felony welfare fraud or Medi-Cal fraud in violation of
37 Section 11483 or 14107 of the Welfare and Institutions Code.

38 (6) Felony insurance fraud in violation of Section 548 or 550
39 of this code or former Section 1871.1, or Section 1871.4, of the
40 Insurance Code.

1 (7) A violation of Section 580, 581, 582, 583, or 584 of the
2 Business and Professions Code.

3 (8) A violation of Section 22430 of the Business and Professions
4 Code.

5 (9) A violation of Section 10690 of the Health and Safety Code.

6 (10) A violation of Section 529a.

7 (11) A violation of subdivision ~~(d)~~ (c) or ~~(e)~~ (d) of Section 368.

8 (d) If the defendant is out of the state when or after the offense
9 is committed, the prosecution may be commenced as provided in
10 Section 804 within the limitations of time prescribed by this
11 chapter, and no time up to a maximum of three years during which
12 the defendant is not within the state shall be a part of those
13 limitations.

14 (e) A limitation of time prescribed in this chapter does not
15 commence to run until the offense has been discovered, or could
16 have reasonably been discovered, with regard to offenses under
17 Division 7 (commencing with Section 13000) of the Water Code,
18 under Chapter 6.5 (commencing with Section 25100) of, Chapter
19 6.7 (commencing with Section 25280) of, or Chapter 6.8
20 (commencing with Section 25300) of, Division 20 of, or Part 4
21 (commencing with Section 41500) of Division 26 of, the Health
22 and Safety Code, or under Section 386, or offenses under Chapter
23 5 (commencing with Section 2000) of Division 2 of, Chapter 9
24 (commencing with Section 4000) of Division 2 of, Section 6126
25 of, Chapter 10 (commencing with Section 7301) of Division 3 of,
26 or Chapter 19.5 (commencing with Section 22440) of Division 8
27 of, the Business and Professions Code.

28 (f) (1) Notwithstanding any other limitation of time described
29 in this chapter, a criminal complaint may be filed within one year
30 of the date of a report to a California law enforcement agency by
31 a person of any age alleging that he or she, while under the age of
32 18 years, was the victim of a crime described in Section 261, 286,
33 288, 288a, 288.5, or 289, or Section 289.5, as enacted by Chapter
34 293 of the Statutes of 1991 relating to penetration by an unknown
35 object.

36 (2) This subdivision applies only if all of the following occur:

37 (A) The limitation period specified in Section 800, 801, or 801.1,
38 whichever is later, has expired.

1 (B) The crime involved substantial sexual conduct, as described
2 in subdivision (b) of Section 1203.066, excluding masturbation
3 that is not mutual.

4 (C) There is independent evidence that corroborates the victim's
5 allegation. If the victim was 21 years of age or older at the time
6 of the report, the independent evidence shall clearly and
7 convincingly corroborate the victim's allegation.

8 (3) No evidence may be used to corroborate the victim's
9 allegation that otherwise would be inadmissible during trial.
10 Independent evidence does not include the opinions of mental
11 health professionals.

12 (4) (A) In a criminal investigation involving any of the crimes
13 listed in paragraph (1) committed against a child, when the
14 applicable limitations period has not expired, that period shall be
15 tolled from the time a party initiates litigation challenging a grand
16 jury subpoena until the end of the litigation, including any
17 associated writ or appellate proceeding, or until the final disclosure
18 of evidence to the investigating or prosecuting agency, if that
19 disclosure is ordered pursuant to the subpoena after the litigation.

20 (B) Nothing in this subdivision affects the definition or
21 applicability of any evidentiary privilege.

22 (C) This subdivision shall not apply where a court finds that the
23 grand jury subpoena was issued or caused to be issued in bad faith.

24 (g) (1) Notwithstanding any other limitation of time described
25 in this chapter, a criminal complaint may be filed within one year
26 of the date on which the identity of the suspect is conclusively
27 established by DNA testing, if both of the following conditions
28 are met:

29 (A) The crime is one that is described in subdivision (c) of
30 Section 290.

31 (B) The offense was committed prior to January 1, 2001, and
32 biological evidence collected in connection with the offense is
33 analyzed for DNA type no later than January 1, 2004, or the offense
34 was committed on or after January 1, 2001, and biological evidence
35 collected in connection with the offense is analyzed for DNA type
36 no later than two years from the date of the offense.

37 (2) For purposes of this section, "DNA" means deoxyribonucleic
38 acid.

39 (h) For any crime, the proof of which depends substantially
40 upon evidence that was seized under a warrant, but which is

1 unavailable to the prosecuting authority under the procedures
2 described in *People v. Superior Court (Laff)* (2001) 25 Cal.4th
3 703, *People v. Superior Court (Bauman & Rose)* (1995) 37
4 Cal.App.4th 1757, or subdivision (c) of Section 1524, relating to
5 claims of evidentiary privilege or attorney work product, the
6 limitation of time prescribed in this chapter shall be tolled from
7 the time of the seizure until final disclosure of the evidence to the
8 prosecuting authority. Nothing in this section otherwise affects
9 the definition or applicability of any evidentiary privilege or
10 attorney work product.

11 *SEC. 13. Section 1048 of the Penal Code is amended to read:*

12 1048. (a) The issues on the calendar shall be disposed of in
13 the following order, unless for good cause the court directs an
14 action to be tried out of its order:

15 (1) Prosecutions for felony, when the defendant is in custody.

16 (2) Prosecutions for misdemeanor, when the defendant is in
17 custody.

18 (3) Prosecutions for felony, when the defendant is on bail.

19 (4) Prosecutions for misdemeanor, when the defendant is on
20 bail.

21 (b) Notwithstanding subdivision (a), all criminal actions in
22 which (1) a minor is detained as a material witness or is the victim
23 of the alleged offense, (2) a person who was 70 years of age or
24 older at the time of the alleged offense or is a dependent adult, as
25 defined in subdivision ~~(d)~~ (g) of Section 368, was a witness to, or
26 is the victim of, the alleged offense or (3) any person is a victim
27 of an alleged violation of Section 261, 262, 264.1, 273a, 273d,
28 285, 286, 288, 288a, or 289, committed by the use of force,
29 violence, or the threat thereof, shall be given precedence over all
30 other criminal actions in the order of trial. In those actions,
31 continuations shall be granted by the court only after a hearing
32 and determination of the necessity thereof, and in any event, the
33 trial shall be commenced within 30 days after arraignment, unless
34 for good cause the court shall direct the action to be continued,
35 after a hearing and determination of the necessity of the
36 continuance, and states the findings for a determination of good
37 cause on the record.

38 (c) Nothing in this section shall be deemed to provide a statutory
39 right to a trial within 30 days.

1 *SEC. 14. Section 11163.6 of the Penal Code is amended to*
2 *read:*

3 11163.6. In order to ensure consistent and uniform results, data
4 may be collected and summarized by the domestic violence death
5 review teams to show the statistical occurrence of domestic
6 violence deaths in the team's county that occur under the following
7 circumstances:

8 (a) The deceased was a victim of a homicide committed by a
9 current or former spouse, fiancé, or dating partner.

10 (b) The deceased was the victim of a suicide, was the current
11 or former spouse, fiancé, or dating partner of the perpetrator and
12 was also the victim of previous acts of domestic violence.

13 (c) The deceased was the perpetrator of the homicide of a former
14 or current spouse, fiancé, or dating partner and the perpetrator was
15 also the victim of a suicide.

16 (d) The deceased was the perpetrator of the homicide of a former
17 or current spouse, fiancé, or dating partner and the perpetrator was
18 also the victim of a homicide related to the domestic homicide
19 incident.

20 (e) The deceased was a child of either the homicide victim or
21 the perpetrator, or both.

22 (f) The deceased was a current or former spouse, fiancé, or
23 dating partner of the current or former spouse, fiancé, or dating
24 partner of the perpetrator.

25 (g) The deceased was a law enforcement officer, emergency
26 medical personnel, or other agency responding to a domestic
27 violence incident.

28 (h) The deceased was a family member, other than identified
29 above, of the perpetrator.

30 (i) The deceased was the perpetrator of the homicide of a family
31 member, other than identified above.

32 (j) *The deceased had a disability and the homicide was related*
33 *to domestic violence.*

34 (j)

35 (k) The deceased was a person not included in the above
36 categories and the homicide was related to domestic violence.

37 *SEC. 15. Section 11174.35 of the Penal Code is amended to*
38 *read:*

39 11174.35. The State Department of Social Services shall work
40 with state and local child death review teams and child protective

1 services agencies in order to identify child death cases that were,
2 or should have been, reported to or by county child protective
3 services agencies. Findings made pursuant to this section shall be
4 used to determine the extent of child abuse or neglect fatalities
5 occurring in families known to child protective services agencies
6 and to define child welfare training needs for reporting,
7 cross-reporting, data integration, and involvement by child
8 protective services agencies in multiagency review in child deaths.
9 The State Department of Social Services, the State Department of
10 Health Care Services, and the Department of Justice, *working with*
11 *relevant subject-matter experts from among those listed in Section*
12 *15592 of the Welfare and Institutions Code*, shall develop a plan
13 to track and maintain data on child deaths from abuse or neglect,
14 ~~and submit this plan, not later than December 1, 1997, to the Senate~~
15 ~~Committee on Health and Human Services, the Assembly~~
16 ~~Committee on Human Services, and the chairs of the fiscal~~
17 ~~committees of the Legislature.~~ *including crimes against children*
18 *with disabilities. Subject to the availability of funding, the plan to*
19 *track and maintain the data shall be updated by January 1, 2010.*

20 SEC. 16. The heading of Article 2.7 (commencing with Section
21 11174.4) of Chapter 2 of Title 1 of Part 4 of the Penal Code is
22 amended to read:

23
24 Article 2.7. Elder and Dependent Adult Death Review Teams
25

26 SEC. 17. Section 11174.5 of the Penal Code is amended to
27 read:

28 11174.5. (a) Each county may establish an interagency elder
29 and dependent adult death team to assist local agencies in
30 identifying and reviewing suspicious elder and dependent adult
31 deaths and facilitating communication among persons who perform
32 autopsies and the various persons and agencies involved in elder
33 and dependent adult abuse or neglect cases.

34 (b) Each county may develop a protocol that may be used as a
35 guideline by persons performing autopsies on ~~elder~~ elders and
36 dependent adults to assist coroners and other persons who perform
37 autopsies in the identification of elder and dependent adult abuse,
38 in the determination of whether elder or dependent adult abuse or
39 neglect contributed to death or whether elder or dependent adult
40 abuse or neglect had occurred prior to, but was not the actual cause

1 of, death, and in the proper written reporting procedures for elder
2 *and dependent adult* abuse or neglect, including the designation
3 of the cause and mode of death.

4 SEC. 18. Section 11174.7 of the Penal Code is amended to
5 read:

6 11174.7. (a) An oral or written communication or a document
7 shared within or produced by an elder *and dependent adult* death
8 review team related to an elder *or dependent adult* death review
9 is confidential and not subject to disclosure or discoverable by
10 another third party.

11 (b) An oral or written communication or a document provided
12 by a third party to an elder *and dependent adult* death review team,
13 or between a third party and an elder *and dependent adult* death
14 review team, is confidential and not subject to disclosure or
15 discoverable by a third party.

16 (c) Notwithstanding subdivisions (a) and (b), recommendations
17 of an elder *and dependent adult* death review team upon the
18 completion of a review may be disclosed at the discretion of a
19 majority of the members of the elder *and dependent adult* death
20 review team.

21 SEC. 19. Section 13519.64 of the Penal Code is amended to
22 read:

23 13519.64. (a) The Legislature finds and declares that research,
24 including “Special Report to the Legislature on Senate Resolution
25 18: Crimes Committed Against Homeless Persons” by the
26 Department of Justice and “Hate, Violence, and (2002): “Crimes
27 Against Homeless Persons” and “Crimes Against Persons with
28 Disabilities” in “Protecting Californians from Hate Crimes: A
29 Progress Report” by the Senate Office of Research (2004); “Voices
30 from the Street: A Survey of Homeless Youth by Their Peers” by
31 the California Research Bureau (2008); and “Hate, Violence, and
32 Death On Main Street: A Report on Hate Crimes and Violence
33 Against People Experiencing Homelessness from 1999–2002
34 (2007)” by the National Coalition for the Homeless demonstrate
35 and the National Law Center on Homelessness and Poverty (2008),
36 has demonstrated that California has had serious and unaddressed
37 problems of crime against homeless persons, including homeless
38 persons with disabilities.

39 (b) (1) By July 1, 2005, the Commission on Peace Officer
40 Standards and Training, using available funding, shall develop a

1 two-hour telecourse to be made available to all law enforcement
2 agencies in California on crimes against homeless persons and on
3 how to deal effectively and humanely with homeless persons,
4 including homeless persons with disabilities. The telecourse shall
5 include information on ~~multi-mission~~ *multi-mission* criminal
6 extremism, as defined in Section 13519.6. In developing the
7 telecourse, the commission shall consult subject-matter experts
8 including, but not limited to, homeless and formerly homeless
9 persons in California, service providers and advocates for homeless
10 persons in California, experts on the disabilities that homeless
11 persons commonly suffer, the California Council of Churches, the
12 National Coalition for the Homeless, the Senate Office of Research,
13 and the Criminal Justice Statistics Center of the Department of
14 Justice.

15 (2) ~~Every state law enforcement agency, and every~~ local law
16 enforcement agency, to the extent that this requirement does not
17 create a state-mandated local program cost, shall provide the
18 telecourse, “*Law Enforcement Response to Homelessness Update*,”
19 to its peace officers. *It is the intent of the Legislature to strongly*
20 *encourage local law enforcement agencies to provide this training*
21 *in conjunction with homeless and formerly homeless persons and*
22 *local agencies and organizations that serve homeless persons,*
23 *including homeless persons with disabilities and homeless youth,*
24 *and invite homeless and formerly homeless persons and those local*
25 *organizations to attend the training sessions and discuss the*
26 *problem of crime against homeless victims and law enforcement*
27 *response to homelessness with the agency’s officers.*

28 (c) *It is the intent of the Legislature to strongly encourage each*
29 *law enforcement agency, in consultation with the district attorney*
30 *or attorney general, to adopt a general order or other formal policy*
31 *on prevention and response to crimes against homeless persons,*
32 *including homeless persons with disabilities and homeless youth,*
33 *and on dealing effectively and humanely with homeless persons,*
34 *based on the telecourse “Law Enforcement Response to*
35 *Homelessness Update” and the 2002 Department of Justice report*
36 *“Special Report to the Legislature on Senate Resolution 18: Crimes*
37 *Against Homeless Persons,” and taking into account other relevant*
38 *information including, but not limited to, the research listed in*
39 *subdivision (a).*

40 SEC. 20. Section 13519.65 is added to the Penal Code, to read:

1 13519.65. (a) (1) Every state law enforcement agency shall
2 provide its peace officers with the telecourse “Crime Victims with
3 Disabilities,” produced by the Commission on Peace Officer
4 Standards and Training and the Department of Justice. This
5 requirement shall take effect when the commission, the department,
6 or both the commission and the department update the telecourse
7 to reflect changes in law, standards, and information since they
8 produced the telecourse in 2002.

9 (2) The requirement of paragraph (1) is a restatement of the
10 requirement of the portion of paragraph (2) of subdivision (b) of
11 Section 13519.64 that was repealed by the act of the 2007–08
12 regular session of the Legislature that enacted this section, and
13 does not create a new cost.

14 (b) Every local law enforcement agency may provide its peace
15 officers with the telecourse “Crime Victims with Disabilities,”
16 and the Legislature strongly encourages each local law
17 enforcement agency to do so when the commission, the department,
18 or both the commission and the department update the telecourse.
19 The Legislature encourages law enforcement agencies to provide
20 this training in conjunction with people with disabilities and local
21 agencies and organizations that serve and advocate for people
22 with disabilities and invite people with disabilities and those local
23 organizations to attend the training sessions and discuss the
24 problem with the agency’s officers.

25 SEC. 21. Section 13823.7 of the Penal Code is amended to
26 read:

27 13823.7. The protocol adopted pursuant to Section 13823.5
28 for the examination and treatment of victims of sexual assault or
29 attempted sexual assault, including child molestation *and the sexual*
30 *assault of victims with disabilities*, and the collection and
31 preservation of evidence therefrom shall include provisions for all
32 of the following:

33 (a) Notification of injuries and a report of suspected child sexual
34 abuse to law enforcement authorities.

35 (b) Obtaining consent for the examination, for the treatment of
36 injuries, for the collection of evidence, and for the photographing
37 of injuries.

38 (c) Taking a patient history of sexual assault and other relevant
39 medical history.

1 (d) Performance of the physical examination for evidence of
2 sexual assault.

3 (e) Collection of physical evidence of assault.

4 (f) Collection of other medical specimens.

5 (g) Procedures for the preservation and disposition of physical
6 evidence.

7 SEC. 22. Section 13823.9 of the Penal Code is amended to
8 read:

9 13823.9. (a) Every public or private general acute care hospital
10 that examines a victim of sexual assault or attempted sexual assault,
11 including child molestation *and the sexual assault of victims with*
12 *disabilities*, shall comply with the standards specified in Section
13 13823.11 and the protocol and guidelines adopted pursuant to
14 Section 13823.5.

15 (b) Each county with a population of more than 100,000 shall
16 arrange that professional personnel trained in the examination of
17 victims of sexual assault, including child molestation *and the sexual*
18 *assault of victims with disabilities*, shall be present or on call either
19 in the county hospital which provides emergency medical services
20 or in any general acute care hospital which has contracted with
21 the county to provide emergency medical services. In counties
22 with a population of 1,000,000 or more, the presence of these
23 professional personnel shall be arranged in at least one general
24 acute care hospital for each 1,000,000 persons in the county.

25 (c) Each county shall designate at least one general acute care
26 hospital to perform examinations on victims of sexual assault,
27 including child molestation *and the sexual assault of victims with*
28 *disabilities*.

29 (d) (1) The protocol published by the agency or agencies
30 designated by the Director of Finance pursuant to Section 13820
31 shall be used as a guide for the procedures to be used by every
32 public or private general acute care hospital in the state for the
33 examination and treatment of victims of sexual assault and
34 attempted sexual assault, including child molestation *and the sexual*
35 *assault of victims with disabilities*, and the collection and
36 preservation of evidence therefrom.

37 (2) The informational guide developed by the agency or agencies
38 designated by the Director of Finance pursuant to Section 13820
39 shall be consulted where indicated in the protocol, as well as to

1 gain knowledge about all aspects of examination and treatment of
2 victims of sexual assault and child molestation.

3 *SEC. 23. Section 13823.13 of the Penal Code is amended to*
4 *read:*

5 13823.13. (a) The agency or agencies designated by the
6 Director of Finance pursuant to Section 13820 shall develop a
7 course of training for qualified health care professionals relating
8 to the examination and treatment of victims of sexual assault,
9 *including child victims and victims with disabilities*. In developing
10 the curriculum for the course, the agency or agencies designated
11 by the Director of Finance pursuant to Section 13820 shall consult
12 with health care professionals and appropriate law enforcement
13 agencies. The agency or agencies designated by the Director of
14 Finance pursuant to Section 13820 shall also obtain
15 recommendations from the same health care professionals and
16 appropriate law enforcement agencies on the best means to
17 disseminate the course of training on a statewide basis.

18 (b) The training course developed pursuant to subdivision (a)
19 shall be designed to train qualified health care professionals to do
20 all of the following:

21 (1) Perform a health assessment of victims of sexual assault in
22 accordance with any applicable minimum standards set forth in
23 Section 13823.11.

24 (2) Collect and document physical and laboratory evidence in
25 accordance with any applicable minimum standards set forth in
26 Section 13823.11.

27 (3) Provide information and referrals to victims of sexual assault
28 to enhance the continuity of care of victims.

29 (4) Present testimony in court.

30 (c) As used in this section, “qualified health care professional”
31 means a physician and surgeon currently licensed pursuant to
32 Chapter 5 (commencing with Section 2000) of Division 2 of the
33 Business and Professions Code, or a nurse currently licensed
34 pursuant to Chapter 6 (commencing with Section 2700) of Division
35 2 of the Business and Professions Code who works in consultation
36 with a physician and surgeon or who conducts examinations
37 described in Section 13823.9 in a general acute care hospital or in
38 the office of a physician and surgeon.

39 (d) As used in this section, “appropriate law enforcement
40 agencies” may include, but shall not be limited to, the Attorney

1 General of the State of California, any district attorney, and any
2 agency of the State of California expressly authorized by statute
3 to investigate or prosecute law violators.

4 *SEC. 24. Section 13823.16 of the Penal Code is amended to*
5 *read:*

6 13823.16. (a) The Comprehensive Statewide Domestic
7 Violence Program established pursuant to Section 13823.15 shall
8 be collaboratively administered by the Office of Emergency
9 Services (OES) and an advisory council. The membership of the
10 OES Domestic Violence Advisory Council shall consist of experts
11 in the provision of either direct or intervention services to battered
12 women and their children, within the scope and intention of the
13 OES Domestic Violence Assistance Program.

14 (b) The membership of the council shall consist of domestic
15 violence victims' advocates, battered women service providers, at
16 least one representative of service providers serving the lesbian,
17 gay, bisexual, and transgender community in connection with
18 domestic violence, and representatives of women's organizations,
19 law enforcement, and other groups involved with domestic
20 violence. At least one-half of the council membership shall consist
21 of domestic violence victims' advocates or battered women service
22 providers from organizations such as the California Partnership to
23 End Domestic Violence. It is the intent of the Legislature that the
24 council membership reflect the ethnic, racial, cultural, and
25 geographic diversity of the state, *including people with disabilities*.
26 The council shall be composed of no more than 13 voting members
27 and two nonvoting ex officio members who shall be appointed, as
28 follows:

29 (1) Seven voting members shall be appointed by the Governor.

30 (2) Three voting members shall be appointed by the Speaker of
31 the Assembly.

32 (3) Three voting members shall be appointed by the Senate
33 Committee on Rules.

34 (4) Two nonvoting ex officio members shall be Members of the
35 Legislature, one appointed by the Speaker of the Assembly and
36 one appointed by the Senate Committee on Rules. Any Member
37 of the Legislature appointed to the council shall meet with the
38 council and participate in its activities to the extent that
39 participation is not incompatible with his or her position as a
40 Member of the Legislature.

1 (c) The OES shall collaborate closely with the council in
2 developing funding priorities, framing the request for proposals,
3 and soliciting proposals.

4 (d) This section shall remain in effect only until January 1, 2010,
5 and as of that date is repealed, unless a later enacted statute, that
6 is enacted before January 1, 2010, deletes or extends that date.

7 *SEC. 25. Section 13835.10 of the Penal Code is amended to*
8 *read:*

9 13835.10. (a) The Legislature finds and declares all of the
10 following:

11 (1) That the provision of quality services for victims of crime
12 is of high priority.

13 (2) That existing victim service programs do not have sufficient
14 financial resources to consistently recruit and employ fully trained
15 personnel.

16 (3) That there is no consistency in the training provided to the
17 various agencies serving victims.

18 (4) That comprehensive training for victim service agencies is
19 geographically limited or unavailable.

20 (5) That there is currently no statewide comprehensive training
21 system in place for the state to insure that all service providers
22 receive adequate training to provide quality services to victims of
23 crime.

24 (6) It is the intention of the Legislature to establish a statewide
25 training program within the agency or agencies designated by the
26 Director of Finance pursuant to Section 13820 to provide
27 comprehensive standardized training to victim service providers.

28 (b) The agency or agencies designated by the Director of Finance
29 pursuant to Section 13820 shall establish a statewide
30 victim-assistance training program, the purpose of which is to
31 develop minimum training and selection standards, certify training
32 courses, and provide funding to enable local victim service
33 providers to acquire the required training. *The program shall*
34 *address the special problems of assisting victims and witnesses*
35 *with disabilities.*

36 (c) (1) For the purpose of raising the level of competence of
37 local victim service providers, the office shall adopt guidelines
38 establishing minimum standards of training for employees of
39 victim-witness and sexual assault programs funded by the office
40 to provide services to victims of crime. The agency or agencies

1 shall establish an advisory committee composed of recognized
2 statewide victim service organizations, representatives of local
3 victim service programs, *subject-matter experts on crimes against*
4 *individuals with disabilities selected from the list in Section 15592*
5 *of the Welfare and Institutions Code*, and others selected at the
6 discretion of the executive director to consult on the research and
7 development of the training, selection, and equivalency standards.

8 (2) Any local unit of government, community-based
9 organization, or any other public or private nonprofit entity funded
10 by the agency or agencies as a victim-witness or sexual assault
11 program to provide services to victims of crime shall adhere to the
12 training and selection standards established by the agency or
13 agencies. The standards for sexual assault victim service programs
14 developed by the advisory committee established pursuant to
15 Section 13836 shall be the standards for purposes of this section.
16 With the exception of the sexual assault standards, the agency or
17 agencies shall conduct or contract with an appropriate firm or
18 entity for research on validated standards pursuant to this section
19 in consultation with the advisory committee established pursuant
20 to paragraph (1). The agency or agencies may defer the adoption
21 of the selection standards until the necessary research is completed.
22 Until the standards are adopted, affected victim service programs
23 may receive state funding from the agency or agencies upon
24 certification of their willingness to adhere to the training standards
25 adopted by the agency or agencies.

26 (3) Minimum training and selection standards may include, but
27 shall not be limited to, basic entry, continuation, supervisory,
28 management, specialized curricula, and confidentiality.

29 (4) Training and selection standards shall apply to all victim
30 service and management personnel of the victim-witness and sexual
31 assault agencies funded by the agency or agencies to provide
32 services to victims of crime. Exemptions from this requirement
33 may be made by the agency or agencies, *except that the agency*
34 *or agencies shall not exempt standards concerning victims or*
35 *witnesses with disabilities*. An agency which, despite good faith
36 efforts, is unable to meet the standards established pursuant to this
37 section, may apply to the agency or agencies for an exemption.
38 For the purpose of exemptions, the agency or agencies may
39 establish procedures that allow for partial adherence. The agency
40 or agencies may develop equivalency standards which recognize

1 professional experience, education, training, or a combination of
2 the above, for personnel hired before July 1, 1987.

3 (5) Nothing in this section shall prohibit an agency, funded by
4 the agency or agencies to provide services to victims of crime,
5 from establishing training and selection standards which exceed
6 the minimum standards established by the agency or agencies
7 pursuant to this section.

8 (d) For purposes of implementing this section, the agency or
9 agencies has all of the following powers:

10 (1) To approve or certify, or both, training courses selected by
11 the agency or agencies.

12 (2) To make those inquiries which may be necessary to
13 determine whether every local unit of government,
14 community-based organization, or any other public or private entity
15 receiving state aid from the agency or agencies as a victim-witness
16 or sexual assault program for the provision of services to victims
17 of crime, is adhering to the standards for training and selection
18 established pursuant to this section.

19 (3) To adopt those guidelines which are necessary to carry out
20 the purposes of this section.

21 (4) To develop or present, or both, training courses for victim
22 service providers, or to contract with coalitions, councils, or other
23 designated entities, to develop or present, or both, those training
24 courses.

25 (5) To perform other activities and studies necessary to carry
26 out the intent of this section.

27 (e) (1) The agency or agencies may utilize any funds that may
28 become available from the Victim-Witness Assistance Fund to
29 fund the cost of training staff of victim service agencies which are
30 funded by the agency or agencies from the fund. The agency or
31 agencies may utilize federal or other state funds that may become
32 available to fund the cost of training staff of victim service agencies
33 which are not eligible for funding from the Victim-Witness
34 Assistance Fund.

35 (2) Peace officer personnel whose jurisdictions are eligible for
36 training subvention pursuant to Chapter 1 (commencing with
37 Section 13500) of Title 4 of this part and correctional or probation
38 personnel whose jurisdictions are eligible for state aid pursuant to
39 Article 2 (commencing with Section 6035) of Chapter 5 of Title
40 7 of Part 3 are not eligible to receive training reimbursements under

1 this section unless the person receiving the training is assigned to
2 provide victim services in accordance with a grant award agreement
3 with the agency or agencies and is attending training to meet the
4 established standards.

5 *SEC. 26. Section 13836 of the Penal Code is amended to read:*

6 13836. (a) The agency or agencies designated by the Director
7 of Finance pursuant to Section 13820 shall establish an advisory
8 committee which shall develop a course of training for district
9 attorneys in the investigation and prosecution of sexual assault
10 cases, child sexual exploitation cases, and child sexual abuse cases
11 and shall approve grants awarded pursuant to Section 13837. The
12 courses shall include training in the unique emotional trauma
13 experienced by victims of these crimes *and the special problems*
14 *of investigating and prosecuting these crimes when committed*
15 *against individuals with disabilities.*

16 ¶

17 (b) *It* is the intent of the Legislature in the enactment of this
18 chapter to encourage the establishment of sex crime prosecution
19 units, which shall include, but not be limited to, child sexual
20 exploitation and child sexual abuse cases, in district attorneys'
21 offices throughout the state.

22 (c) *It is the intent of the Legislature that the advisory committee*
23 *include at least one expert on crimes against victims with*
24 *disabilities. However, that intent notwithstanding, nothing in the*
25 *act that enacts this subdivision shall require an increase in the*
26 *number of members of the advisory committee.*

27 *SEC. 27. Section 13836.1 of the Penal Code is amended to*
28 *read:*

29 13836.1. The committee shall consist of 11 members. Five
30 shall be appointed by the executive director of the agency or
31 agencies designated by the Director of Finance pursuant to Section
32 13820, and shall include three district attorneys or assistant or
33 deputy district attorneys, one representative of a city police
34 department or a sheriff or a representative of a sheriff's department,
35 and one public defender or assistant or deputy public defender of
36 a county. Six shall be public members appointed by the
37 Commission on the Status of Women, and shall include one
38 representative of a rape crisis center, and one medical professional
39 experienced in dealing with sexual assault trauma victims. The
40 committee members shall represent the points of view of diverse

1 ethnic and language groups *and of subject-matter experts on crimes*
2 *against individuals with disabilities listed in Section 15592 of the*
3 *Welfare and Institutions Code.*

4 Members of the committee shall receive no compensation for
5 their services but shall be reimbursed for their expenses actually
6 and necessarily incurred by them in the performance of their duties.
7 Staff support for the committee shall be provided by the agency
8 or agencies designated by the Director of Finance pursuant to
9 Section 13820.

10 SEC. 28. *Section 13837 of the Penal Code is amended to read:*

11 13837. (a) The OES shall provide grants to proposed and
12 existing child sexual exploitation and child sexual abuse victim
13 counseling centers and prevention programs. Grant recipients shall
14 provide appropriate in-person counseling and referral services
15 during normal business hours, and maintain other standards or
16 services which shall be determined to be appropriate by the
17 advisory committee established pursuant to Section 13836 as grant
18 conditions. The advisory committee shall identify the criteria to
19 be utilized in awarding the grants provided by this chapter before
20 any funds are allocated.

21 In order to be eligible for funding pursuant to this chapter, the
22 centers shall demonstrate an ability to receive and make use of
23 any funds available from governmental, voluntary, philanthropic,
24 or other sources which may be used to augment any state funds
25 appropriated for purposes of this chapter. Each center receiving
26 funds pursuant to this chapter shall make every attempt to qualify
27 for any available federal funding.

28 State funds provided to establish centers shall be utilized when
29 possible, as determined by the advisory committee, to expand the
30 program and shall not be expended to reduce fiscal support from
31 other public or private sources. The centers shall maintain quarterly
32 and final fiscal reports in a form to be prescribed by the
33 administering agency. In granting funds, the advisory committee
34 shall give priority to centers which are operated in close proximity
35 to medical treatment facilities.

36 (b) (1) It is the intent of the Legislature that a goal or purpose
37 of the OES shall be to ensure that all victims of sexual assault and
38 rape, *including victims with disabilities*, receive comprehensive,
39 quality services, and to decrease the incidence of sexual assault
40 through school and community education and prevention programs.

(2) The OES and the advisory committee established pursuant to Section 13836 shall collaboratively administer sexual assault/rape crisis center victim services programs and provide grants to proposed and existing sexual assault services programs (SASPs) operating local rape victim centers and prevention programs. All SASPs shall provide the services in subparagraphs (A) to (G), inclusive, and to the extent federal funding is made available, shall also provide the service described in subparagraph (H). The OES shall provide financial and technical assistance to SASPs in implementing the following services:

- (A) Crisis intervention, 24 hours per day, seven days per week.
- (B) Followup counseling services.
- (C) In-person counseling, including group counseling.
- (D) Accompaniment services.
- (E) Advocacy services.
- (F) Information and referrals to victims and the general public.
- (G) Community education presentations.
- (H) Rape prevention presentations and self-defense programs.

(3) The funding process for distributing grant awards to SASPs shall be administered as follows:

(A) The OES and the advisory committee established pursuant to Section 13836 shall collaboratively adopt each of the following:

(i) The process and standards for determining whether to grant, renew, or deny funding to any SASP applying or reapplying for funding under the terms of the program.

(ii) For SASPs applying for grants under the RFP process described in subparagraph (B), a system for grading grant applications in relation to the standards established pursuant to clause (i), and an appeal process for applications that are denied. A description of this grading system and appeal process shall be provided to all SASPs as part of the application required under the RFP process.

(iii) For SASPs reapplying for funding under the RFA process described in subparagraph (D), a system for grading the performance of SASPs in relation to the standards established pursuant to clause (i), and an appeal process for decisions to deny or reduce funding. A description of this grading system and appeal process shall be provided to all SASPs receiving grants under this program.

1 (B) Grants for centers that have previously not been funded or
2 were not funded in the previous cycle shall be awarded as a result
3 of a competitive request for proposal (RFP) process. The RFP
4 process shall comply with all applicable state and federal statutes
5 for sexual assault/rape crisis center funding, and to the extent
6 possible, the response to the RFP shall not exceed 25 narrative
7 pages, excluding attachments.

8 (C) Grants shall be awarded to SASPs that propose to maintain
9 services previously granted funding pursuant to this section, to
10 expand existing services or create new services, or to establish
11 new sexual assault/rape crisis centers in underserved or unserved
12 areas. Each grant shall be awarded for a three-year term.

13 (D) SASPs reapplying for grants shall not be subject to a
14 competitive bidding grant process, but shall be subject to a request
15 for application (RFA) process. The RFA process for a SASP
16 reapplying for grant funds shall consist in part of an assessment
17 of the past performance history of the SASP in relation to the
18 standards established pursuant to subparagraph (A). The RFA
19 process shall comply with all applicable state and federal statutes
20 for sexual assault/rape crisis center funding, and to the extent
21 possible, the response to the RFA shall not exceed 10 narrative
22 pages, excluding attachments.

23 (E) Any SASP funded through this program in the previous
24 grant cycle shall be funded upon reapplication, unless its past
25 performance history fails to meet the standards established pursuant
26 to clause (i) of subparagraph (A).

27 (F) The OES shall conduct a minimum of one site visit every
28 three years for each agency funded to provide sexual assault/rape
29 crisis centers. The purpose of the site visit shall be to conduct a
30 performance assessment of, and provide subsequent technical
31 assistance for, each center visited. The performance assessment
32 shall include, but need not be limited to, a review of all of the
33 following:

- 34 (i) Progress in meeting program goals and objectives.
- 35 (ii) Agency organization and facilities.
- 36 (iii) Personnel policies, files, and training.
- 37 (iv) Recordkeeping, budgeting, and expenditures.
- 38 (v) Documentation, data collection, and client confidentiality.

39 (G) After each site visit conducted pursuant to subparagraph
40 (F), the OES shall provide a written report to the SASP

1 summarizing the performance of the SASP, any deficiencies noted,
2 any corrective action needed, and a deadline for corrective action
3 to be completed. The OES shall also develop a corrective action
4 plan for verifying the completion of any corrective action required.
5 The OES shall submit its written report to the SASP no more than
6 60 days after the site visit. No grant under the RFA process shall
7 be denied if the SASP did not receive a site visit during the
8 previous three years, unless the OES is aware of criminal violations
9 relative to the administration of grant funding.

10 (H) SASPs receiving written reports of deficiencies or orders
11 for corrective action after a site visit shall be given no less than
12 six months' time to take corrective action before the deficiencies
13 or failure to correct may be considered in the next RFA process.
14 However, the OES shall have the discretion to reduce the time to
15 take corrective action in cases where the deficiencies present a
16 significant health or safety risk or when other severe circumstances
17 are found to exist. If corrective action is deemed necessary, and a
18 SASP fails to comply, or if other deficiencies exist that, in the
19 judgment of the OES, cannot be corrected, the OES shall
20 determine, using its grading system, whether continued funding
21 for the SASP should be reduced or denied altogether. If a SASP
22 has been determined to be deficient, the OES may, at any point
23 during the SASP's funding cycle following the expiration of the
24 period for corrective action, deny or reduce any further funding.

25 (I) If a SASP applies or reapplies for funding pursuant to this
26 section and that funding is denied or reduced, the decision to deny
27 or reduce funding shall be provided in writing to the SASP, along
28 with a written explanation of the reasons for the reduction or denial
29 made in accordance with the grading system for the RFP or RFA
30 process. Except as otherwise provided, any appeal of the decision
31 to deny or reduce funding shall be made in accordance with the
32 appeal process established by the OES. The appeal process shall
33 allow a SASP a minimum of 30 days to appeal after a decision to
34 deny or reduce funding. All pending appeals shall be resolved
35 before final funding decisions are reached.

36 (J) It is the intent of the Legislature that priority for additional
37 funds that become available shall be given to currently funded,
38 new, or previously unfunded SASPs for expansion of services.
39 However, the OES may determine when expansion is needed to
40 accommodate underserved or unserved areas. If supplemental

1 funding is unavailable, the OES shall have the authority to lower
2 the base level of grants to all currently funded SASPs in order to
3 provide funding for currently funded, new, or previously unfunded
4 SASPs that will provide services in underserved or unserved areas.
5 However, to the extent reasonable, funding reductions shall be
6 reduced proportionately among all currently funded SASPs. After
7 the amount of funding reductions has been determined, SASPs
8 that are currently funded and those applying for funding shall be
9 notified of changes in the available level of funding prior to the
10 next application process. Funding reductions made under this
11 paragraph shall not be subject to appeal.

12 (K) Notwithstanding any other provision of this section, the
13 OES may reduce funding to a SASP funded pursuant to this section
14 if federal funding support is reduced. Funding reductions as a result
15 of a reduction in federal funding shall not be subject to appeal.

16 (L) Nothing in this section shall be construed to supersede any
17 function or duty required by federal acts, rules, regulations, or
18 guidelines for the distribution of federal grants.

19 (M) As a condition of receiving funding pursuant to this section,
20 a SASP shall do each of the following:

21 (i) Demonstrate an ability to receive and make use of any funds
22 available from governmental, voluntary, philanthropic, or other
23 sources that may be used to augment any state funds appropriated
24 for purposes of this chapter.

25 (ii) Make every attempt to qualify for any available federal
26 funding.

27 (N) For the purposes of this paragraph, “sexual assault” means
28 an act or attempt made punishable by Section 220, 261, 261.5,
29 262, 264.1, 266c, 285, 286, 288, 288a, or 647.6.

30 (O) For the purposes of this paragraph, “sexual assault service
31 program” or “SASP” means an agency operating a sexual
32 assault/rape crisis center.

33 *SEC. 29. Section 14203 of the Penal Code is amended to read:*

34 14203. (a) The online missing persons registry shall accept
35 and generate complete information on a missing person.

36 (b) The information on a missing person shall be retrievable by
37 any of the following:

38 (1) The person’s name.

39 (2) The person’s date of birth.

40 (3) The person’s social security number.

1 (4) Whether a dental chart has been received, coded, and entered
2 into the National Crime Information Center Missing Person System
3 by the Attorney General.

4 (5) The person's physical description, including hair and eye
5 color and body marks.

6 (6) The person's known associates.

7 (7) The person's last known location.

8 (8) The name or assumed name of the abductor, if applicable,
9 other pertinent information relating to the abductor or the assumed
10 abductor, or both.

11 (9) *The person's known disabilities.*

12 ~~(9)~~

13 (10) Any other information, as deemed appropriate by the
14 Attorney General.

15 (c) The Attorney General, in consultation with local law
16 enforcement agencies and other user groups, shall develop the
17 form in which information shall be entered into the system.

18 (d) The Attorney General shall establish and maintain within
19 the center a separate, confidential historic database relating to
20 missing children and dependent adults. The historic database may
21 be used only by the center for statistical and research purposes.
22 The historic database shall be set up to categorize cases relating
23 to missing children and dependent adults by type. These types
24 shall include the following: runaways, voluntary missing, lost,
25 abduction involving movement of the victim in the commission
26 of the crime or sexual exploitation of the victim, nonfamily
27 abduction, family abduction, and any other categories as
28 determined by the Attorney General. In addition, the data shall
29 include the number of missing children and missing dependent
30 adults in this state and the category of each case.

31 (e) The center may supply information about specific cases from
32 the historic database to a local police department, sheriff's
33 department, or district attorney, only in connection with an
34 investigation by the police department, sheriff's department, or
35 district attorney of a missing person case or a violation or attempted
36 violation of Section 220, 261.5, 262, 273a, 273d, or 273.5, or any
37 sex offense listed in Section 290, except for the offense specified
38 in subdivision (d) of Section 243.4.

39 *SEC. 30. Section 14213 of the Penal Code is amended to read:*

1 14213. (a) As used in this title, “missing person” includes, but
2 is not limited to, a child who has been taken, detained, concealed,
3 enticed away, or retained by a parent in violation of Chapter 4
4 (commencing with Section 277) of Title 9 of Part 1. It also includes
5 any child who is missing voluntarily or involuntarily, or under
6 circumstances not conforming to his or her ordinary habits or
7 behavior and who may be in need of assistance.

8 (b) As used in this title, “evidence that the person is at risk”
9 includes, but is not limited to, evidence or indications of any of
10 the following:

- 11 (1) The person missing is the victim of a crime or foul play.
- 12 (2) The person missing is in need of medical attention.
- 13 (3) The person missing has no pattern of running away or
14 disappearing.
- 15 (4) The person missing may be the victim of parental abduction.
- 16 (5) The person missing ~~is mentally impaired~~ *has a mental or a*
17 *physical disability.*

18 (c) As used in this title, “child” is any person under the age of
19 18.

20 (d) As used in this title, “center” means the Violent Crime
21 Information Center.

22 (e) As used in this title, “dependent adult” is any person
23 described in subdivision ~~(e)~~ (g) of Section 368.

24 (f) As used in this title, “dental or medical records or X-rays,”
25 include all those records or X-rays which are in the possession of
26 a dentist, physician and surgeon, or medical facility.

27 *SEC. 31. Section 4427 of the Welfare and Institutions Code is*
28 *amended to read:*

29 4427. (a) When the department has reason to believe that any
30 person held in custody as developmentally disabled is wrongfully
31 deprived of his *or her* liberty, ~~or~~ is cruelly or negligently treated,
32 ~~or~~ that inadequate provision is made for the skillful medical care,
33 proper supervision, and safekeeping of ~~any such that~~ *that* person, ~~it~~
34 ~~may ascertain the facts. It may issue compulsory process for the~~
35 ~~attendance of witnesses and the production of papers, and may~~
36 ~~exercise the powers conferred upon a referee in a superior court.~~
37 ~~It may make such orders for the care and treatment of such person~~
38 ~~as it deems proper. or is otherwise the victim of a crime, the~~
39 ~~department shall do either of the following:~~

1 (1) *Report the case immediately to the local police department*
2 *or sheriff's office that has jurisdiction.*

3 (2) *Ascertain the facts. It may issue compulsory process for the*
4 *attendance of witnesses and the production of papers, and may*
5 *exercise the powers conferred upon a referee in a superior court.*
6 *It may make such orders for the care and treatment of such person*
7 *as it deems proper.*

8 ~~Whenever~~

9 (b) *Whenever* the department undertakes an investigation into
10 the general management and administration of any establishment
11 or place of detention for the developmentally disabled, it may give
12 notice of such investigation to the Attorney General, who shall
13 appear personally or by deputy, to examine witnesses in attendance
14 and to assist the department in the exercise of the powers conferred
15 upon it in this code.

16 ~~The~~

17 (c) *The* department may at any time cause the patients of any
18 county or city almshouse to be visited and examined, in order to
19 ascertain if developmentally disabled persons are kept therein.

20 (d) *The reporting requirements of this section are in addition*
21 *to, and do not substitute for, the reporting requirements of*
22 *mandated reporters.*

23 SEC. 32. *Section 4427.5 of the Welfare and Institutions Code*
24 *is amended to read:*

25 4427.5. (a) (1) A developmental center shall immediately
26 report all resident deaths and serious injuries of unknown origin
27 to the appropriate ~~local law enforcement agency~~ *agency*, which
28 may, at its discretion, conduct an independent investigation.

29 (2) *The reporting requirements of this subdivision are in*
30 *addition to, and do not substitute for, the reporting requirements*
31 *of mandated reporters.*

32 (b) The department shall do both of the following:

33 (1) Annually provide written information to every developmental
34 center employee regarding all of the following:

35 (A) The statutory and departmental requirements for mandatory
36 reporting of suspected or known abuse.

37 (B) The rights and protections afforded to individuals' reporting
38 of suspected or known abuse.

39 (C) The penalties for failure to report suspected or known abuse.

(D) The telephone numbers for reporting suspected or known abuse or neglect to designated investigators of the department the Office of Protective Services and to local law enforcement agencies.

(2) On or before August 1, 2001, in consultation with employee organizations, advocates, consumers, and family members, develop a poster that encourages staff, residents, and visitors to report suspected or known abuse and provides information on how to make these reports.

SEC. 33. Chapter 10.5 (commencing with Section 15590) is added to Part 3 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 10.5. CRIMES AGAINST ELDERS, DEPENDENT ADULTS,
AND PEOPLE WITH DISABILITIES

15590. The Office of Emergency Services is the lead agency for implementation of this chapter and for providing leadership and coordination to state agencies with responsibilities to protect elders, dependent adults, and people with disabilities from abuse, neglect, and other crimes and to assist them when they become crime victims. Subject to the availability of adequate funding, the lead agency shall maintain contact with the appropriate federal, state, and local agencies and with the subject-matter experts listed in Section 15592 to assist it in carrying out its responsibilities.

15591. (a) The Office of Emergency Services shall convene a first meeting of a working group on crimes against elders, dependent adults, and people with disabilities, and shall invite subject-matter experts including, but not limited to, those listed in Section 15592, to attend. The working group may organize itself, including by creating committees, and schedule future meetings.

(b) The working group may set goals for itself including the following:

(1) Developing one or more models of memoranda of understanding that appropriate agencies and organizations may adopt. The model or models may include protocols covering subjects including, but not limited to, responsibilities for first response to reports of crimes, multidisciplinary teamwork including joint visiting and interviewing where appropriate, provision of victim advocacy and victim and witness translation services, and

1 carrying out individual mandated reporter requirements and
2 agency cross-reporting requirements.

3 (2) Making recommendations to the Governor and Legislature
4 for reform of mandated reporter requirements and of investigation
5 and jurisdiction issues to provide equal protection to crime victims
6 who are elders, dependent adults, and people with disabilities.

7 (c) Nothing in this section requires any state agency to pay for
8 travel or other expenses of any person attending working group
9 meetings.

10 15592. "Subject-matter experts" includes, but is not limited
11 to, the following, or their successor organizations, the Arc of
12 California; Associated Programs of the University of Southern
13 California; Association of Regional Center Agencies; California
14 Coalition Against Sexual Assault; California Consortium of Child
15 Abuse Councils; California County Welfare Directors, District
16 Attorneys, Police Chiefs, and Sheriffs Associations; California
17 Foundation for Independent Living Centers; California Partnership
18 to End Domestic Violence; Autism Center for Excellence at
19 California State University, Sacramento; Crime Victims with
20 Disabilities Think Tank; Departments of Aging, Developmental
21 Services, Justice, Mental Health, Public Health, Social Services,
22 and Corrections and Rehabilitation; Aging Services of California;
23 California Association of Health Facilities; California Hospital
24 Association; Consortium for Elder Abuse Prevention; Local
25 Long-Term Care Ombudsman Program Association; Los Angeles
26 City Department on Disability; National Alliance for the Mentally
27 Ill; Office of Emergency Services; Project REACH; Senate Office
28 of Research; Sociology Departments of the University of California
29 at Berkeley, Davis, and Irvine; State Council on Developmental
30 Disabilities; State Office of Child Abuse Prevention; Tarjan Center
31 of the University of California at Los Angeles; University Centers
32 for Excellence in Developmental Disabilities at the University of
33 California at Davis and Los Angeles and the University of Southern
34 California; and the protection and advocacy agency that the
35 Governor designates pursuant to Section 4900.

36 SEC. 34. Section 15610.19 of the Welfare and Institutions Code
37 is amended to read:

38 15610.19. "Clergy member" means a priest, minister, rabbi,
39 religious practitioner, or similar functionary of a church, gurdwara,
40 mandir, mosque, synagogue, temple, ~~mosque~~, or other recognized

1 religious denomination or organization. “Clergy member” does
2 not include unpaid volunteers whose principal occupation or
3 vocation does not involve active or ordained ministry in a church,
4 synagogue, temple, mosque, or recognized religious denomination
5 or organization, and who periodically visit ~~elder~~ *elders* or
6 dependent adults on behalf of that church, synagogue, temple,
7 mosque, or recognized religious denomination or organization.

8 *SEC. 35. Section 15630 of the Welfare and Institutions Code*
9 *is amended to read:*

10 15630. (a) Any person who has assumed full or intermittent
11 responsibility for the care or custody of an elder or dependent
12 adult, whether or not he or she receives compensation, including
13 administrators, supervisors, and any licensed staff of a public or
14 private facility that provides care or services for elder or dependent
15 adults, or any elder or dependent adult care custodian, health
16 practitioner, clergy member, or employee of a county adult
17 protective services agency or a local law enforcement agency, is
18 a mandated reporter.

19 (b) (1) Any mandated reporter who, in his or her professional
20 capacity, or within the scope of his or her employment, has
21 observed or has knowledge of an incident that reasonably appears
22 to be physical abuse, as defined in Section 15610.63 of the Welfare
23 and Institutions Code, abandonment, abduction, isolation, financial
24 abuse, or neglect, or is told by an elder or dependent adult that he
25 or she has experienced behavior, including an act or omission,
26 constituting physical abuse, as defined in Section 15610.63 of the
27 Welfare and Institutions Code, abandonment, abduction, isolation,
28 financial abuse, or neglect, or reasonably suspects that abuse, shall
29 report the known or suspected instance of abuse by telephone
30 immediately or as soon as practicably possible, and by written
31 report sent within two working days, as follows:

32 (A) If the abuse has occurred in a long-term care facility, except
33 a state mental health hospital or a state developmental center, the
34 report shall be made to the local ombudsperson ~~or~~ *and* the local
35 law enforcement agency. *When a local long-term care ombudsman*
36 *program receives a report that federal law prevents the*
37 *ombudsman program from cross-reporting to the local law*
38 *enforcement agency as required pursuant to this section, the*
39 *ombudsman program shall inform the mandated reporter that state*
40 *law also requires the mandated reporter to report to the local law*

1 *enforcement agency, and the ombudsman program shall give the*
2 *mandated reporter the phone number of the local law enforcement*
3 *agency.*

4 Except in an emergency, the local ombudsperson and the local
5 law enforcement agency shall, as soon as practicable, do all of the
6 following:

7 (i) Report to the State Department of *Public Health–Services*
8 any case of known or suspected abuse occurring in a long-term
9 health care facility, as defined in subdivision (a) of Section 1418
10 of the Health and Safety Code.

11 (ii) Report to the State Department of Social Services any case
12 of known or suspected abuse occurring in a residential care facility
13 for the elderly, as defined in Section 1569.2 of the Health and
14 Safety Code, or in an adult day care facility, as defined in paragraph
15 (2) of subdivision (a) of Section 1502.

16 (iii) Report to the State Department of Health *Care* Services
17 and the California Department of Aging any case of known or
18 suspected abuse occurring in an adult day health care center, as
19 defined in subdivision (b) of Section 1570.7 of the Health and
20 Safety Code.

21 (iv) Report to the Bureau of Medi-Cal Fraud and Elder Abuse
22 any case of known or suspected criminal activity.

23 (B) If the suspected or alleged abuse occurred in a state mental
24 hospital or a state developmental center, the report shall be made
25 to designated investigators of the State Department of Mental
26 Health or the State Department of Developmental Services, or to
27 the local law enforcement agency.

28 Except in an emergency, the local law enforcement agency shall,
29 as soon as practicable, report any case of known or suspected
30 criminal activity to the Bureau of Medi-Cal Fraud and Elder Abuse.

31 (C) If the abuse has occurred any place other than one described
32 in subparagraph (A), the report shall be made to the adult protective
33 services agency or the local law enforcement agency.

34 (2) (A) A mandated reporter who is a clergy member who
35 acquires knowledge or reasonable suspicion of elder or dependent
36 adult abuse during a penitential communication is not subject to
37 paragraph (1). For purposes of this subdivision, “penitential
38 communication” means a communication that is intended to be in
39 confidence, including, but not limited to, a sacramental confession
40 made to a clergy member who, in the course of the discipline or

1 practice of his or her church, denomination, or organization is
2 authorized or accustomed to hear those communications and under
3 the discipline tenets, customs, or practices of his or her church,
4 denomination, or organization, has a duty to keep those
5 communications secret.

6 (B) Nothing in this subdivision shall be construed to modify or
7 limit a clergy member's duty to report known or suspected elder
8 and dependent adult abuse when he or she is acting in the capacity
9 of a care custodian, health practitioner, or employee of an adult
10 protective services agency.

11 (C) Notwithstanding any other provision in this section, a clergy
12 member who is not regularly employed on either a full-time or
13 part-time basis in a long-term care facility or does not have care
14 or custody of an elder or dependent adult shall not be responsible
15 for reporting abuse or neglect that is not reasonably observable or
16 discernible to a reasonably prudent person having no specialized
17 training or experience in elder or dependent care.

18 (3) (A) A mandated reporter who is a physician and surgeon,
19 a registered nurse, or a psychotherapist, as defined in Section 1010
20 of the Evidence Code, shall not be required to report, pursuant to
21 paragraph (1), an incident where all of the following conditions
22 exist:

23 (i) The mandated reporter has been told by an elder or dependent
24 adult that he or she has experienced behavior constituting physical
25 abuse, as defined in Section 15610.63 of the Welfare and
26 Institutions Code, abandonment, abduction, isolation, financial
27 abuse, or neglect.

28 (ii) The mandated reporter is not aware of any independent
29 evidence that corroborates the statement that the abuse has
30 occurred.

31 (iii) The elder or dependent adult has been diagnosed with a
32 mental illness or dementia, or is the subject of a court-ordered
33 conservatorship because of a mental illness or dementia.

34 (iv) In the exercise of clinical judgment, the physician and
35 surgeon, the registered nurse, or the psychotherapist, as defined
36 in Section 1010 of the Evidence Code, reasonably believes that
37 the abuse did not occur.

38 (B) This paragraph shall not be construed to impose upon
39 mandated reporters a duty to investigate a known or suspected

1 incident of abuse and shall not be construed to lessen or restrict
2 any existing duty of mandated reporters.

3 (4) (A) In a long-term care facility, a mandated reporter shall
4 not be required to report as a suspected incident of abuse, as defined
5 in Section 15610.07, an incident where all of the following
6 conditions exist:

7 (i) The mandated reporter is aware that there is a proper plan
8 of care.

9 (ii) The mandated reporter is aware that the plan of care was
10 properly provided or executed.

11 (iii) A physical, mental, or medical injury occurred as a result
12 of care provided pursuant to clause (i) or (ii).

13 (iv) The mandated reporter reasonably believes that the injury
14 was not the result of abuse.

15 (B) This paragraph shall not be construed to require a mandated
16 reporter to seek, nor to preclude a mandated reporter from seeking,
17 information regarding a known or suspected incident of abuse prior
18 to reporting. This paragraph shall apply only to those categories
19 of mandated reporters that the State Department of *Public Health*
20 ~~Services~~ determines, upon approval by the Bureau of Medi-Cal
21 Fraud and Elder Abuse and the state long-term care ombudsperson,
22 have access to plans of care and have the training and experience
23 necessary to determine whether the conditions specified in this
24 section have been met.

25 (c) (1) Any mandated reporter who has knowledge, or
26 reasonably suspects, that types of elder or dependent adult abuse
27 for which reports are not mandated have been inflicted upon an
28 elder or dependent adult, or that his or her emotional well-being
29 is endangered in any other way, may report the known or suspected
30 instance of abuse.

31 (2) If the suspected or alleged abuse occurred in a long-term
32 care facility other than a state mental health hospital or a state
33 developmental center, the report may be made to the long-term
34 care ombudsperson program. Except in an emergency, the local
35 ombudsperson shall report any case of known or suspected abuse
36 to the State Department of Health Services and any case of known
37 or suspected criminal activity to the Bureau of Medi-Cal Fraud
38 and Elder Abuse, as soon as is practicable.

39 (3) If the suspected or alleged abuse occurred in a state mental
40 health hospital or a state developmental center, the report may be

1 made to the designated investigator of the State Department of
2 Mental Health or the State Department of Developmental Services
3 or to a local law enforcement agency or to the local ombudsperson.
4 Except in an emergency, the local ombudsperson and the local law
5 enforcement agency shall report any case of known or suspected
6 criminal activity to the Bureau of Medi-Cal Fraud and Elder Abuse,
7 as soon as is practicable.

8 (4) If the suspected or alleged abuse occurred in a place other
9 than a place described in paragraph (2) or (3), the report may be
10 made to the county adult protective services agency.

11 (5) If the conduct involves criminal activity not covered in
12 subdivision (b), it may be immediately reported to the appropriate
13 law enforcement agency.

14 (d) When two or more mandated reporters are present and jointly
15 have knowledge or reasonably suspect that types of abuse of an
16 elder or a dependent adult for which a report is or is not mandated
17 have occurred, and when there is agreement among them, the
18 telephone report may be made by a member of the team selected
19 by mutual agreement, and a single report may be made and signed
20 by the selected member of the reporting team. Any member who
21 has knowledge that the member designated to report has failed to
22 do so shall thereafter make the report.

23 (e) A telephone report of a known or suspected instance of elder
24 or dependent adult abuse shall include, if known, the name of the
25 person making the report, the name and age of the elder or
26 dependent adult, the present location of the elder or dependent
27 adult, the names and addresses of family members or any other
28 adult responsible for the elder's or dependent adult's care, the
29 nature and extent of the elder's or dependent adult's condition, the
30 date of the incident, and any other information, including
31 information that led that person to suspect elder or dependent adult
32 abuse, as requested by the agency receiving the report.

33 (f) The reporting duties under this section are individual, and
34 no supervisor or administrator shall impede or inhibit the reporting
35 duties, and no person making the report shall be subject to any
36 sanction for making the report. However, internal procedures to
37 facilitate reporting, ensure confidentiality, and apprise supervisors
38 and administrators of reports may be established, provided they
39 are not inconsistent with this chapter.

1 (g) (1) Whenever this section requires a county adult protective
2 services agency to report to a law enforcement agency, the law
3 enforcement agency shall, immediately upon request, provide a
4 copy of its investigative report concerning the reported matter to
5 that county adult protective services agency.

6 (2) Whenever this section requires a law enforcement agency
7 to report to a county adult protective services agency, the county
8 adult protective services agency shall, immediately upon request,
9 provide to that law enforcement agency a copy of its investigative
10 report concerning the reported matter.

11 (3) The requirement to disclose investigative reports pursuant
12 to this subdivision shall not include the disclosure of social services
13 records or case files that are confidential, nor shall this subdivision
14 be construed to allow disclosure of any reports or records if the
15 disclosure would be prohibited by any other provision of state or
16 federal law.

17 (h) Failure to report, or impeding or inhibiting a report of,
18 physical abuse, as defined in Section 15610.63 of the Welfare and
19 Institutions Code, abandonment, abduction, isolation, financial
20 abuse, or neglect of an elder or dependent adult, in violation of
21 this section, is a misdemeanor, punishable by not more than six
22 months in the county jail, by a fine of not more than one thousand
23 dollars (\$1,000), or by both that fine and imprisonment. Any
24 mandated reporter who willfully fails to report, or impedes or
25 inhibits a report of, physical abuse, as defined in Section 15610.63
26 of the Welfare and Institutions Code, abandonment, abduction,
27 isolation, financial abuse, or neglect of an elder or dependent adult,
28 in violation of this section, where that abuse results in death or
29 great bodily injury, shall be punished by not more than one year
30 in a county jail, by a fine of not more than five thousand dollars
31 (\$5,000), or by both that fine and imprisonment. If a mandated
32 reporter intentionally conceals his or her failure to report an
33 incident known by the mandated reporter to be abuse or severe
34 neglect under this section, the failure to report is a continuing
35 offense until a law enforcement agency specified in paragraph (1)
36 of subdivision (b) of Section 15630 of the Welfare and Institutions
37 Code discovers the offense.

38 (i) For purposes of this section, “dependent adult” shall have
39 the same meaning as in Section 15610.23.

1 (j) *Until January 1, 2013, a mandated reporter shall be deemed*
2 *in substantial compliance with the requirements of subparagraph*
3 *(A) of paragraph (1) of subdivision (b) if the mandated reporter*
4 *reports as that subparagraph required before January 1, 2009, in*
5 *the good-faith belief that only those former requirements were in*
6 *effect.*

7 SEC. 36. *Section 15640 of the Welfare and Institutions Code,*
8 *as amended by Section 9 of Chapter 140 of the Statutes of 2005,*
9 *is amended to read:*

10 15640. (a) (1) An adult protective services agency shall
11 immediately, or as soon as practically possible, report by telephone
12 to the law enforcement agency having jurisdiction over the case
13 any known or suspected instance of criminal activity, and to any
14 public agency given responsibility for investigation in that
15 jurisdiction of cases of elder and dependent adult abuse, every
16 known or suspected instance of abuse pursuant to Section 15630
17 or 15630.1 of an elder or dependent adult. A county adult protective
18 services agency shall also send a written report thereof within two
19 working days of receiving the information concerning the incident
20 to each agency to which it is required to make a telephone report
21 under this subdivision. Prior to making any cross-report of
22 allegations of financial abuse to law enforcement agencies, an
23 adult protective services agency shall first determine whether there
24 is reasonable suspicion of any criminal activity.

25 (2) *The reporting requirements of this section are in addition*
26 *to, and do not replace, the reporting requirements of employees*
27 *of adult protective services agencies as mandated reporters.*

28 ~~(2) If an adult protective services agency receives a report of~~
29 ~~abuse alleged to have occurred in a long-term care facility, that~~
30 ~~adult protective services agency shall immediately inform the~~
31 ~~person making the report that he or she is required to make the~~
32 ~~report to the long-term care ombudsman program or to a local law~~
33 ~~enforcement agency. The adult protective services agency shall~~
34 ~~not accept the report by telephone but shall forward any written~~
35 ~~report received to the long-term care ombudsman.~~

36 (b) If an adult protective services agency or local law
37 enforcement agency or ombudsman program receiving a report of
38 known or suspected elder or dependent adult abuse determines,
39 pursuant to its investigation, that the abuse is being committed by
40 a health practitioner licensed under Division 2 (commencing with

1 Section 500) of the Business and Professions Code, or any related
2 initiative act, or by a person purporting to be a licensee, the adult
3 protective services agency or local law enforcement agency or
4 ombudsman program shall immediately, or as soon as practically
5 possible, report this information to the appropriate licensing
6 agency. The licensing agency shall investigate the report in light
7 of the potential for physical harm. The transmittal of information
8 to the appropriate licensing agency shall not relieve the adult
9 protective services agency or local law enforcement agency or
10 ombudsman program of the responsibility to continue its own
11 investigation as required under applicable provisions of law. The
12 information reported pursuant to this paragraph shall remain
13 confidential and shall not be disclosed.

14 (c) A local law enforcement agency shall immediately, or as
15 soon as practically possible, report by telephone to the long-term
16 care ombudsman program when the abuse is alleged to have
17 occurred in a long-term care facility or to the county adult
18 protective services agency when it is alleged to have occurred
19 anywhere else, and to the agency given responsibility for the
20 investigation of cases of elder and dependent adult abuse every
21 known or suspected instance of abuse of an elder or dependent
22 adult. A local law enforcement agency shall also send a written
23 report thereof within two working days of receiving the information
24 concerning the incident to any agency to which it is required to
25 make a telephone report under this subdivision.

26 (d) A long-term care ombudsman coordinator may report the
27 instance of abuse to the county adult protective services agency
28 or to the local law enforcement agency for assistance in the
29 investigation of the abuse if the victim gives his or her consent. A
30 long-term care ombudsman program and the Licensing and
31 Certification Division of the State Department of Health *Care*
32 Services shall immediately report by telephone and in writing
33 within two working days to the bureau any instance of neglect
34 occurring in a health care facility, that has seriously harmed any
35 patient or reasonably appears to present a serious threat to the
36 health or physical well-being of a patient in that facility. If a victim
37 or potential victim of the neglect withholds consent to being
38 identified in that report, the report shall contain circumstantial
39 information about the neglect but shall not identify that victim or
40 potential victim and the bureau and the reporting agency shall

1 maintain the confidentiality of the report until the report becomes
2 a matter of public record.

3 (e) When a county adult protective services agency, a long-term
4 care ombudsman program, or a local law enforcement agency
5 receives a report of abuse, neglect, or abandonment of an elder or
6 dependent adult alleged to have occurred in a long-term care
7 facility, that county adult protective services agency, long-term
8 care ombudsman coordinator, or local law enforcement agency
9 shall report the incident to the licensing agency by telephone as
10 soon as possible.

11 (f) County adult protective services agencies, long-term care
12 ombudsman programs, and local law enforcement agencies shall
13 report the results of their investigations of referrals or reports of
14 abuse to the respective referring or reporting agencies.

15 (g) This section shall remain in effect only until January 1, 2013,
16 and as of that date is repealed, unless a later enacted statute, that
17 is enacted before January 1, 2013, deletes or extends that date.

18 *SEC. 37. Section 15640 of the Welfare and Institutions Code,*
19 *as added by Section 10 of Chapter 140 of the Statutes of 2005, is*
20 *amended to read:*

21 15640. (a) ~~(1)~~—An adult protective services agency shall
22 immediately, or as soon as practically possible, report by telephone
23 to the law enforcement agency having jurisdiction over the case
24 any known or suspected instance of criminal activity, and to any
25 public agency given responsibility for investigation in that
26 jurisdiction of cases of elder and dependent adult abuse, every
27 known or suspected instance of abuse pursuant to Section 15630
28 of an elder or dependent adult. A county adult protective services
29 agency shall also send a written report thereof within two working
30 days of receiving the information concerning the incident to each
31 agency to which it is required to make a telephone report under
32 this subdivision. Prior to making any cross-report of allegations
33 of financial abuse to law enforcement agencies, an adult protective
34 services agency shall first determine whether there is reasonable
35 suspicion of any criminal activity.

36 ~~(2) If an adult protective services agency receives a report of~~
37 ~~abuse alleged to have occurred in a long-term care facility, that~~
38 ~~adult protective services agency shall immediately inform the~~
39 ~~person making the report that he or she is required to make the~~
40 ~~report to the long-term care ombudsman program or to a local law~~

1 enforcement agency. ~~The adult protective services agency shall~~
2 ~~not accept the report by telephone but shall forward any written~~
3 ~~report received to the long-term care ombudsman.~~

4 (b) If an adult protective services agency or local law
5 enforcement agency or ombudsman program receiving a report of
6 known or suspected elder or dependent adult abuse determines,
7 pursuant to its investigation, that the abuse is being committed by
8 a health practitioner licensed under Division 2 (commencing with
9 Section 500) of the Business and Professions Code, or any related
10 initiative act, or by a person purporting to be a licensee, the adult
11 protective services agency or local law enforcement agency or
12 ombudsman program shall immediately, or as soon as practically
13 possible, report this information to the appropriate licensing
14 agency. The licensing agency shall investigate the report in light
15 of the potential for physical harm. The transmittal of information
16 to the appropriate licensing agency shall not relieve the adult
17 protective services agency or local law enforcement agency or
18 ombudsman program of the responsibility to continue its own
19 investigation as required under applicable provisions of law. The
20 information reported pursuant to this paragraph shall remain
21 confidential and shall not be disclosed.

22 (c) A local law enforcement agency shall immediately, or as
23 soon as practically possible, report by telephone to the long-term
24 care ombudsman program when the abuse is alleged to have
25 occurred in a long-term care facility or to the county adult
26 protective services agency when it is alleged to have occurred
27 anywhere else, and to the agency given responsibility for the
28 investigation of cases of elder and dependent adult abuse every
29 known or suspected instance of abuse of an elder or dependent
30 adult. A local law enforcement agency shall also send a written
31 report thereof within two working days of receiving the information
32 concerning the incident to any agency to which it is required to
33 make a telephone report under this subdivision.

34 (d) A long-term care ombudsman coordinator may report the
35 instance of abuse to the county adult protective services agency
36 or to the local law enforcement agency for assistance in the
37 investigation of the abuse if the victim gives his or her consent. A
38 long-term care ombudsman program and the Licensing and
39 Certification Division of the State Department of Health *Care*
40 Services shall immediately report by telephone and in writing

1 within two working days to the bureau any instance of neglect
2 occurring in a health care facility, that has seriously harmed any
3 patient or reasonably appears to present a serious threat to the
4 health or physical well-being of a patient in that facility. If a victim
5 or potential victim of the neglect withholds consent to being
6 identified in that report, the report shall contain circumstantial
7 information about the neglect but shall not identify that victim or
8 potential victim and the bureau and the reporting agency shall
9 maintain the confidentiality of the report until the report becomes
10 a matter of public record.

11 (e) When a county adult protective services agency; *or* a
12 long-term care ombudsman program, ~~or a local law enforcement~~
13 ~~agency~~ receives a report of abuse, neglect, or abandonment of an
14 elder or dependent adult alleged to have occurred in a long-term
15 care facility, that county adult protective services agency; *or*
16 long-term care ombudsman coordinator, ~~or local law enforcement~~
17 ~~agency~~ shall report the incident to the licensing agency by
18 telephone as soon as possible.

19 (f) County adult protective services agencies, long-term care
20 ombudsman programs, and local law enforcement agencies shall
21 report the results of their investigations of referrals or reports of
22 abuse to the respective referring or reporting agencies.

23 (g) This section shall become operative on January 1, 2013.

24 SEC. 38. *Section 15650 of the Welfare and Institutions Code*
25 *is amended to read:*

26 15650. (a) ~~Investigation—~~*In long-term care facilities,*
27 *investigations of reports of known or suspected instances of abuse*
28 ~~*in long-term care facilities or neglect shall be the responsibility*~~
29 ~~*of the local long-term care ombudsman program, for instances of*~~
30 ~~*physical and financial abuse, the local law enforcement agency,*~~
31 ~~*and for instances of potential criminal neglect in a long-term health*~~
32 ~~*care facility, the long-term care ombudsman program and the*~~
33 ~~*bureau, and any other law enforcement agency with jurisdiction.*~~
34 ~~*All of those agencies shall cooperate with each other in an*~~
35 ~~*investigation to the maximum extent practicable. However, law*~~
36 ~~*enforcement agencies shall retain ultimate responsibility for the*~~
37 ~~*investigation of any crime against a person in a long-term care*~~
38 ~~*facility.*~~

39 (b) ~~Investigations—~~*Outside of long-term care facilities,*
40 ~~*investigations of known or suspected instances of abuse outside*~~

1 ~~of long-term care facilities or neglect, including abuse or neglect~~
2 ~~of residents of long-term care facilities that occurs while the~~
3 ~~residents are physically outside of the facility, shall be the~~
4 ~~concurrent responsibility of the county adult protective services~~
5 ~~agency and, the local law enforcement agency unless another public~~
6 ~~agency is given responsibility for investigation in that jurisdiction,~~
7 ~~and any other law enforcement agency with jurisdiction. All of~~
8 ~~those agencies shall cooperate with each other in an investigation~~
9 ~~to the maximum extent practicable. However, law enforcement~~
10 ~~agencies shall retain ultimate responsibility for the investigation~~
11 ~~of any crime against an elder or dependent adult.~~

12 (c) ~~The investigative responsibilities jurisdiction of law~~
13 ~~enforcement set forth in this section are in addition to, and not in~~
14 ~~derogation of or substitution for, the investigative and regulatory~~
15 ~~responsibilities of licensing agencies, such as the State Department~~
16 ~~of Social Services Community Care Licensing Division and the~~
17 ~~State Department of Public Health Services Licensing and~~
18 ~~Certification Division and their authorized representatives, and~~
19 ~~the statutory responsibilities of the adult protective services~~
20 ~~agencies and the state and local long-term care ombudsman~~
21 ~~programs. Nothing in this section prevents a law enforcement or~~
22 ~~correctional agency from seeking or accepting assistance from~~
23 ~~any of these agencies, or any other appropriate agency, in a~~
24 ~~criminal investigation, provided that the law enforcement or~~
25 ~~correctional agency retains ultimate responsibility for the~~
26 ~~investigation of a crime.~~

27 (d) Other public agencies involved in the investigation of abuse
28 or advocacy of respective client populations, or both, include, but
29 shall not be limited to, the State Department of Mental Health and
30 the State Department of Developmental Services. Other public
31 agencies shall conduct or assist in, or both, the investigation of
32 reports of abuse of elder and dependent adults within their
33 jurisdiction in conjunction with county adult protective services,
34 local ombudsman programs and local law enforcement agencies.

35 (e) Each county adult protective services agency *and local*
36 *long-term care ombudsman program* shall maintain an inventory
37 of all public and private service agencies available to assist victims
38 of abuse, as defined by Section 15610.07. This inventory shall be
39 used to refer victims in the event that the county adult protective
40 services agency *and local long-term care ombudsman program*

1 cannot resolve the immediate needs of the victim, and to serve the
2 victim on a long-term, followup basis. The intent of this section
3 is to acknowledge that limited funds are available to resolve all
4 suspected cases of abuse reported to a county adult protective
5 services agency *and local long-term care ombudsman program*.

6 (f) ~~Each local ombudsman program shall maintain an inventory~~
7 ~~of all public and private agencies available to assist long-term care~~
8 ~~residents who are victims of abuse, as defined by Section 15610.07.~~
9 This inventory shall be used to refer cases of abuse in the event
10 that another agency has jurisdiction over the resident, the abuse is
11 verified and further investigation is needed by a law enforcement
12 or licensing agency, or the program does not have sufficient
13 resources to provide immediate assistance. The intent of this section
14 is to acknowledge that ombudsman responsibility in abuse cases
15 is to receive reports, determine the validity of reports, refer verified
16 abuse cases to appropriate agencies for further action as necessary,
17 and follow up to complete the required report information. Other
18 ombudsman services shall be provided to the resident, as
19 appropriate.

20 (g) (1) *It is the intent of the Legislature to strongly encourage*
21 *the agencies named in this section, and other appropriate agencies*
22 *and organizations including, but not limited to, employers of*
23 *mandated reporters and operators of long-term care facilities, to*
24 *enter into memoranda of understanding to guide the exercise of*
25 *the concurrent jurisdictions under this section and carry out their*
26 *mandated reporter requirements and their cross-reporting*
27 *requirements pursuant to Section 15640 and other responsibilities.*

28 (2) *Agencies that enter into such memoranda of understanding*
29 *shall provide copies to the Office of Emergency Services.*

30 SEC. 39. *Section 15655 of the Welfare and Institutions Code*
31 *is amended to read:*

32 15655. (a) (1) ~~Each~~ *Except as provided in subdivision (d),*
33 *each long-term health care facility, as defined in Section 1418 of*
34 *the Health and Safety Code, community care facility, as defined*
35 *in Section 1502 of the Health and Safety Code, or residential care*
36 *facility for the elderly, as defined in Section 1569.2 of the Health*
37 *and Safety Code, that provides care to adults shall provide training*
38 *in recognizing and reporting elder and dependent adult abuse, as*
39 *prescribed by the Department of Justice. The Department of Justice*
40 *shall, in cooperation with the State Department of Public Health*

1 Services and the State Department of Social Services, develop a
2 minimal core training program for use by these facilities. As part
3 of that training, long-term care facilities, including nursing homes
4 and out-of-home care facilities, shall provide to all staff being
5 trained a written copy of the reporting requirements and a written
6 notification of the staff's confidentiality rights as specified in
7 Section 15633.

8 (2) Each long-term health care facility as defined in Section
9 1418 of the Health and Safety Code and each community care
10 facility as defined in Section 1502 of the Health and Safety Code
11 shall comply with paragraph (1) by January 1, 2001, or, if the
12 facility began operation after July 31, 2000, within six months of
13 the date of the beginning of the operation of the facility. Employees
14 hired after June 1, 2001, shall be trained within 60 days of their
15 first day of employment.

16 (3) Each residential care facility as defined in Section 1569.2
17 of the Health and Safety Code shall comply with paragraph (1) by
18 July 1, 2002, or, if the facility began operation after July 1, 2002,
19 within six months of the date of the beginning of the operation of
20 the facility. Employees hired on or after July 1, 2002, shall be
21 trained within 60 days of their first day of employment.

22 (b) Each long-term health care facility, as defined in Section
23 1418 of the Health and Safety Code, shall be subject to review by
24 the State Department of *Public Health–Services* Licensing and
25 Certification Unit for compliance with the duties imposed in
26 subdivision (a).

27 (c) Each community care facility, as defined in Section 1502
28 of the Health and Safety Code, and residential care facility for the
29 elderly, as defined in Section 1569.2 of the Health and Safety
30 Code, shall be subject to review by the State Department of Social
31 Services Community Care Licensing Unit for compliance with the
32 duties imposed in subdivision (a).

33 (d) *Until January 1, 2013, no facility described in subdivision*
34 *(a) is required to provide training regarding the changes to Section*
35 *15640 as enacted in the Crime Victims with Disabilities Act of*
36 *2008.*

37 *SEC. 40. Section 15763 of the Welfare and Institutions Code*
38 *is amended to read:*

39 15763. (a) Each county shall establish an emergency response
40 adult protective services program that shall provide in-person

response, 24 hours per day, seven days per week, to reports of abuse of an elder or a dependent adult, for the purpose of providing immediate intake or intervention, or both, to new reports involving immediate life threats and to crises in existing cases. The program shall include policies and procedures to accomplish all of the following:

(1) Provision of case management services that include investigation of the protection issues, assessment of the person's concerns, needs, strengths, problems, and limitations, stabilization and linking with community services, and development of a service plan to alleviate identified problems utilizing counseling, monitoring, followup, and reassessment.

(2) Provisions for emergency shelter or in-home protection to guarantee a safe place for the elder or dependent adult to stay until the dangers at home can be resolved.

(3) Establishment of multidisciplinary teams to develop interagency treatment strategies, to ensure maximum coordination with existing community resources, to ensure maximum access on behalf of elders and dependent adults, and to avoid duplication of efforts.

(b) (1) A county shall respond immediately to any report of imminent danger to an elder or dependent adult residing in other than a long-term care facility, as defined in Section 9701 of the Welfare and Institutions Code, or a residential facility, as defined in Section 1502 of the Health and Safety Code. For reports involving persons residing in a long-term care facility or a residential care facility, the county shall report to the local long-term care ombudsman program. Adult protective services staff shall consult, coordinate, and support efforts of the ombudsman program to protect vulnerable residents. Except as specified in paragraph (2), the county shall respond to all other reports of danger to an elder or dependent adult in other than a long-term care facility or residential care facility within 10 calendar days or as soon as practicably possible. *This paragraph does not relieve any mandated reporter of the requirement to report within the timeframe established by Section 15640.*

(2) An immediate or 10-day in-person response is not required when the county, based upon an evaluation of risk, determines and documents that the elder or dependent adult is not in imminent danger and that an immediate or 10-day in-person response is not

1 necessary to protect the health or safety of the elder or dependent
2 adult.

3 (3) The State Department of Social Services, in consultation
4 with the County Welfare Directors Association, shall develop
5 requirements for implementation of paragraph (2), including, but
6 not limited to, guidelines for determining appropriate application
7 of this section and any applicable documentation requirements.

8 (4) Notwithstanding Chapter 3.5 (commencing with Section
9 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
10 the department shall implement the requirements developed
11 pursuant to paragraph (3) by means of all-county letters or similar
12 instructions prior to adopting regulations for that purpose.
13 Thereafter, the department shall adopt regulations in accordance
14 with the requirements of Chapter 3.5 (commencing with Section
15 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

16 (c) A county shall not be required to report or respond to a report
17 pursuant to subdivision (b) that involves danger to an elder or
18 dependent adult residing in any facility for the incarceration of
19 prisoners that is operated by or under contract to the Federal Bureau
20 of Prisons, the Department of Corrections, the California
21 Department of the Youth Authority, a county sheriff's department,
22 a county probation department, a city police department, or any
23 other law enforcement agency when the abuse reportedly has
24 occurred in that facility.

25 (d) A county shall provide case management services to elders
26 and dependent adults who are determined to be in need of adult
27 protective services for the purpose of bringing about changes in
28 the lives of victims and to provide a safety net to enable victims
29 to protect themselves in the future. Case management services
30 shall include the following, to the extent services are appropriate
31 for the individual:

32 (1) Investigation of the protection issues, including, but not
33 limited to, social, medical, environmental, physical, emotional,
34 and developmental.

35 (2) Assessment of the person's concerns and needs on whom
36 the report has been made and the concerns and needs of other
37 members of the family and household.

38 (3) Analysis of problems and strengths.

39 (4) Establishment of a service plan for each person on whom
40 the report has been made to alleviate the identified problems.

1 (5) Client input and acceptance of proposed service plans.

2 (6) Counseling for clients and significant others to alleviate the
3 identified problems and to implement the service plan.

4 (7) Stabilizing and linking with community services.

5 (8) Monitoring and followup.

6 (9) Reassessments, as appropriate.

7 (e) To the extent resources are available, each county shall
8 provide emergency shelter in the form of a safe haven or in-home
9 protection for victims. Shelter and care appropriate to the needs
10 of the victim shall be provided for frail and disabled victims who
11 are in need of assistance with activities of daily living.

12 (f) Each county shall designate an adult protective services
13 agency to establish and maintain multidisciplinary teams including,
14 but not limited to, adult protective services, law enforcement,
15 probation departments, home health care agencies, hospitals, adult
16 protective services staff, the public guardian, private community
17 service agencies, public health agencies, and mental health agencies
18 for the purpose of providing interagency treatment strategies.

19 (g) Each county shall provide tangible support services, to the
20 extent resources are available, which may include, but not be
21 limited to, emergency food, clothing, repair or replacement of
22 essential appliances, plumbing and electrical repair, blankets,
23 linens, and other household goods, advocacy with utility
24 companies, and emergency response units.

25 *SEC. 41. Section 15767 is added to the Welfare and Institutions*
26 *Code, to read:*

27 *15767. The requirements of this chapter are in addition to, and*
28 *do not replace, the mandatory reporting requirements of Section*
29 *15630.*

30 *SEC. 42. It is the intent of the Legislature that nothing in this*
31 *act creates any new substantial General Fund costs. To that end,*
32 *notwithstanding any provision of law to the contrary, all of the*
33 *following shall apply:*

34 *(a) Nothing in this act requires a state agency to revise any*
35 *form, document, or other material if that revision would create a*
36 *General Fund cost that is more than minor and absorbable.*

37 *(b) Nothing in this act requires a state or local agency to adopt*
38 *or revise a regulation.*

1 (c) *Nothing in this act creates a new training requirement for*
2 *any state agency if that training requirement would create a*
3 *General Fund cost that is more than minor and absorbable.*

4 (d) *Any provision of this act that requires a state agency to take*
5 *any action is contingent on the availability of adequate funds.*

6 (e) *No state or local agency or any organization, institution, or*
7 *person is required to conduct any training or retraining concerning*
8 *the amendments to Section 15630 of the Welfare and Institutions*
9 *Code enacted by this act if it creates a cost to the state General*
10 *Fund.*

11
12
13 **All matter omitted in this version of the bill**
14 **appears in the bill as amended in Senate,**
15 **June 9, 2008 (JR11)**
16